104

TURKEY–UNITED STATES RELATIONS: POTENTIAL AND PERIL

Y 4. SE 2: 104-1-8

Turkey-United States Relations: Pot...

HEARING

BEFORE THE

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

ONE HUNDRED FOURTH CONGRESS

FIRST SESSION

September 19, 1995

Printed for the use of the
Commission on Security and Cooperation in Europe
[CSCE 104–1–8]

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TURKEY–UNITED STATES RELATIONS: POTENTIAL AND PERIL

TUESDAY, SEPTEMBER 19, 1995

COMMISSION ON SECURITY AND COOPERATION IN EUROPE,
Washington, DC.

The Commission met, pursuant to adjournment, at 10:04 p.m., in room B–352 Rayburn House Office Building, Honorable Christopher H. Smith, chairman of the commission, presiding.

Commissioners present: Hon. Christopher H. Smith, Chairman; Hon. Steny H. Hoyer; and Hon. John Edward Porter.

Witnesses present: John Shattuck, Assistant Secretary of State for Democracy, Human Rights, and Labor, and executive branch commissioner of the CSCE; Marshall Adair, Deputy Assistant Secretary of European and Canadian Affairs, U.S. Department of State; Alan Makovsky, Senior Fellow, Washington Institute for Near east Policy; and Christopher Panico, Research Associate, Human Rights Watch/Helsinki.

OPENING STATEMENT OF CHAIRMAN CHRISTOPHER H. SMITH

Mr. SMITH. The Commission will come to order. I'd like to welcome everyone here, and especially thank our distinguished witnesses for joining us at this Helsinki Commission hearing entitled "Turkey–United States Relations: Potential and Peril." Today we will examine both the potential mutual benefits of closer relations with Turkey, and the peril of unconditional support for a government unable to resolve crises that threaten the existing political order and regional stability.

Turkey, a NATO ally and OSCE participating State, is poised as a unique strategic and economic partner astride the Middle East, Central Asia, the Caucasus, and the Balkans. Turkey stood by the United States in Korea, against Saddam Hussein during the Gulf War, and in its aftermath in Operation Provide Comfort. Turkey also supports our efforts to bring peace to Bosnia.

Turkey has purchased billions of dollars of U.S. military equipment over the years and has been identified as one of the ten biggest emerging markets for U.S. exports. The potential benefits of closer cooperation are obvious.

At the same time, however, a complex and profound crisis increasingly divides Turkey's citizens along national, ethnic, and religious lines, threatening the existing social and political order. Extremist violence and terrorism is polarizing Turks and Kurds, Islamic groups, both secular and anti-secular proponents. While the rights of all Turkish citizens under the mantle of combating terrorism, Kurds bear the brunt of such repression.

An undeclared civil war in southeast Turkey has claimed more than 17,500 lives, robbed the predominantly Kurdish region of economic opportunity, and drained Turkish coffers of over $7 billion a year. Since 1992, security forces evacuated or destroyed more than 2,000 Kurdish villages in southeast Turkey and displaced more than 2 million in a campaign frighteningly similar to ethnic cleansing.

Extrajudicial killings, disappearances, and the use of torture are widespread. This crisis undermines attempts to further democratize and reform Turkey's political system, and has preserved a prominent role for the Turkish Armed Forces in national politics. Freedom of expression has also fallen victim to the war on terrorism. Numerous articles in the 1990 Penal Code and Article 8 of the Anti-Terror Law criminalize speeches or writings which advocate pro-Kurdish divisions.

In March 1994, 13 duly-elected parliamentarians were imprisoned or exiled because of speeches, writings, or alleged contacts with PKK members. In February 1995, Yasar Kemal, one of Turkey's well-known authors, was charged with separatism and racism for an article published in a German magazine. Hundreds of academics, journalists, artists, human rights activists, Kurdish activists, and others are political prisoners or await trial for "thought" crimes.

Publications, especially those dealing with Kurdish issues, are regularly deemed to be separatist propaganda and then seized, censored, or banned. Turkish human rights NGO's and others who advocate political and legal reform face persistent and severe persecution. Fifteen Human Rights Association branches in southeast Turkey have been closed by the authorities. Hundreds of human rights activists have been killed by death squads, imprisoned, or face harassment and legal action.

The leaders of such groups face constant persecution; publications, including information on torture and village evacuation, are routinely banned and seized. Individuals affiliated with human rights groups are often arrested and branded as terrorists or traitors in the press.

Given such conditions, a major question to examine today is how our government can move relations forward and, at the same time, promote peaceful and democratic resolution of potentially devastating internal problems. No nation, including our own, is immune from human rights problems. When we speak out on Turkey's compliance with the OSCE human rights commitments and question unconditional support for a regime conducting military operations against its own citizens with U.S.-supplied equipment, we are not supporting terrorism, threatening Turkey's territorial integrity, or acting on behalf of forces that are hostile to Turkey.

By encouraging democratization, respect for human rights commitments, and peaceful political approaches to the Kurdish crisis, we seek to encourage stability and to strengthen our friendship. Only when Turkey resolves its internal crisis can we be assured of a mutually beneficial and long-term relationship based on shared democratic values as well as shared political, economic, and strategic interests.

In closing, I'd like to point to critical parliamentary elections in Turkey next year. Many believe this election will be an historic last chance for the present political system and constitution. Efforts by successive Turkish governments to strengthen democratic institutions have not resolved underlying sources of conflict.

If the newly elected group of Turkish leaders is unable to decisively move toward peaceful resolution of the Kurdish impasse, many related crises will be exacerbated. Islamic fundamentalists and nationalistic parties increasingly cut into support for Turkey's centrist secular parties. Should centrist parties lose power, Turkey will likely turn away from the West and could face increased internal conflict. Such an outcome would be devastating to both our countries and would pose a serious obstacle to continued close relations and regional stability.

I look forward to hearing from our very distinguished panelists, and at this time, I would like to yield to my distinguished friend and colleague from the State of Maryland, Mr. Hoyer.

OPENING STATEMENT OF HON. STENY H. HOYER

Mr. HOYER. Thank you very much, Mr. Chairman. I'm pleased to be here.

I want to congratulate the chairman for having these hearings. Our distinguished panelists will surely contribute much to our understanding of a most important relationship between the United States and Turkey. I am, however, disappointed that the Turkish government chose not to send a representative today.

At the dawn of the 21st century, a serious human rights crisis in Turkey threatens democratic development and improved relations between Turkey and its allies. A complex crisis, which is not limited to Kurdish issues, has raised tensions between ethnic and religious groups, and has contributed to the strengthening of Islamic fundamentalists and extreme nationalist parties.

The crisis, which has been costly in lives and resources, also preserves a potentially dangerous political role for the Turkish armed forces. The crisis is inherently, in my opinion, destabilizing and threatens to limit Turkey's role in the Middle East peace process, Central Asia, the Caucasus, and the Balkans, at a time when the stability of their contribution could be important.

Members of Congress and the Helsinki Commission have consistently condemned terrorism in Turkey. At the same time, we have urged Turkey's leaders to seek non-military, democratic solutions to the Kurdish crisis and related issues. In last year's foreign assistance package, Congress made it clear that it would not unconditionally provide aid to be used by Turkey's military to wage a violent campaign against Kurdish civilians.

A State Department report, mandated by the legislation, confirmed the use of U.S. military equipment for non-defensive purposes. Such conditionality has prompted some Turkish officials to claim that U.S. officials and Members of Congress want to change Turkey's borders and contest the rights of Turkey's government to defend its citizens against terrorism. This is untrue, absolutely untrue.

The United States respects both principles. Additionally, our assistance reflects our belief, however, that the Turkish government

must not pursue its war against terrorism at the expense of civilian lives, free speech, and human rights enshrined in so many international documents of which Turkey is a signatory state.

While I realize that this position causes consternation among some of Turkey's leaders and people, we should be deeply troubled by the Turkish government's sole reliance on military solutions to the conflict. While Turkey deserves our assistance in combating terrorism supported from abroad, the government's response to terror has only made the problem worse.

Turkey is a critical economic and strategic partner, whose predominantly pro-Western secular government makes it a strong ally of the United States. We want to promote a long-term, mutually respectful alliance that can only realize its full potential if a peaceful resolution of the Kurdish crisis is reached, and the primary threat to Turkish democracy is resolved.

Peaceful resolution of this issue would strengthen democratic institutions and bring Turkey closer to realizing its OCSE and other international commitments.

In closing, Mr. Chairman and members of the Committee, I wish again to thank our witnesses and our distinguished chairman for convening this examination of a complicated and important bilateral issue. It is clear that Turkey is a friend, an ally, an important strategic partner in the maintenance of international stability.

The Helsinki Final Act, however, was adopted on the theory, which has proved compelling and correct, that the oversight by partners in the Helsinki process, particularly as it relates to one's own citizens, is critical if Helsinki principles are to be realized.

The reason for that is clear throughout history. The reluctance or refusal of the international community to oversee the treatment of a nation's own citizens has led to some of the most terrible abuses of human rights committed by fellow citizens in a state as opposed to state versus state.

We see, of course, human rights abuses throughout the world. Within the Helsinki framework, however, the mechanisms that have been devised to have each of us look at one another have proven successful, and even though it is difficult to look critically at a friend and ally, the failure to do so will undermine the realization of the principles and objectives of the Helsinki Final Act.

That is why this hearing, that is why the State Department's oversight, that is why discussion in the international community, and that is why the oversight by human rights activist groups are so important and why this hearing is so important. Thank you very much, Mr. Chairman.

Mr. SMITH. Thank you very much, Mr. Hoyer. As always, I appreciate your very fine remarks and the fact that the leadership of this Commission has been and always will be bipartisan. We are a committee which, in a bipartisan way, focuses on human rights and democratization. Regardless which way the Congress goes, the leadership remains very firmly committed. When the baton was passed by Chairman Hoyer to myself, there was no change whatsoever in terms of our approach in trying to ensure that human rights are protected everywhere.

Having traveled with you many times to many of the countries in the East Bloc and elsewhere, I can say, without fear of con-

tradiction, that you are a true leader in human rights. So I thank you for your fine opening comments.

Mr. HOYER. Thank you, Mr. Chairman.

Mr. SMITH. Our first panel today will include Assistant Secretary John Shattuck and Mr. Marshall Adair.

John Shattuck is an Executive Branch member of the Helsinki Commission, as Assistant Secretary of the State Department's Bureau of Democracy, Human Rights, and Labor, and a long-time human rights advocate. He has conducted numerous official visits to Turkey, including its southeast region.

Also on our panel is Marshall Adair, filling in the shoes today of Richard Holbrooke, who wanted to be here with us, but as we all know, he is very much involved in pursuing peace in Bosnia. I would ask Secretary Shattuck if he would begin.

STATEMENT OF JOHN SHATTUCK

Mr. SHATTUCK. Thank you very much, Mr. Chairman. I do very much appreciate the opportunity to appear before you and Mr. Hoyer, two of the outstanding leaders in our country on human rights issues, and to sit on the Helsinki Commission as one of the executive branch members of the Commission. So thank you very much for my invitation, and I'm very pleased to participate, not only in this hearing, but in all matters involving the Commission.

I have a lengthy prepared statement which I would like to submit for the record.

Mr. SMITH. Without objection, it will be made part of the record.

Mr. SHATTUCK. I will summarize it for you orally, but certainly welcome any questions or comments that you wish to make on other issues that may not be summarized in this short time.

As you have indicated, Mr. Chairman, this is an extremely important and complex hearing, and a very timely one, I might say. I would like to preface my comments on the current state of affairs of democracy and human rights in Turkey with a few observations on U.S.–Turkish relations.

Turkey, as both you, Mr. Chairman, and Mr. Hoyer have indicated, is a long-time friend and strategic ally that serves important U.S. interests in a vital yet troubled region of the world. Geographically, economically, politically, and culturally, Turkey stands at the crossroads of Europe, the Middle East, and Central Asia. It is a democratic, secular, Muslim country in a region with little in the way of democratic tradition.

Turkey provides valuable support for U.S. policy in the region. As a committed member of NATO, Turkey strengthens Western defenses and extends the reach of the West into an unstable part of the world. It participated on the side of the U.N. coalition in the Gulf War, continues to support Operation Provide Comfort and the enforcement of U.N. sanctions on Iraq, and has been a significant contributor to UNPROFOR, the U.N. force in the former Yugoslavia and humanitarian assistance in Bosnia.

Turkey has also made efforts to develop close cooperation with Israel in support of the Middle East peace process.

One of Turkey's chief domestic problems and the source of many significant human rights problems is terrorism. In 1984, the Kurdistan Worker's Party, the PKK, began a guerrilla warfare

against Turkish security forces with the stated aim of creating an independent Kurdistan in southeastern Turkey.

Most of the southeast's Kurdish residents do not support terrorism. Some are sympathetic to the PKK, however, because they believe it is their only voice and that it has been responsible for bringing the Kurdish situation onto Turkey's domestic agenda. During the past 2 years, the government of Turkey has launched a broad military campaign against the PKK. While these military operations have undoubtedly made areas of the southeast more secure from the PKK, they have come at a tremendous cost, economic, social, and above all, human rights.

The government's reliance on a military strategy has resulted in major human rights abuses and risks alienating the local population. For these reasons, we believe a military solution alone cannot solve the fundamental problems of the southeast. A civil approach is imperative. Encouragingly, Turkish democracy is beginning to come to grips with the dilemmas posed by the imperative to defend its society against terrorism versus the imperative to preserve and enhance its society by protecting human rights.

At this point, Mr. Chairman, I would like to set out for you the chief human rights problems we see in Turkey today, many of which you and Mr. Hoyer have summarized in your opening statements. In the course of the past year's operations against the PKK, the government has engaged in a systematic process of evacuating and often burning villages throughout the southeast. The scale of the evacuations and their continuance suggests that they are part of a Turkish military strategy designed to deprive the PKK of any logistical base in the southeast.

The total number of evacuated villages and hamlets is estimated to be about 2,000, and over 2 million people are estimated to have been forced to leave their homes. To date, the Government of Turkey programs to deal with these internal refugees have been, frankly, inadequate. Only a few displaced villagers have been compensated and there is no system in place for efficient compensation.

A group of government officials from Ankara and the southeast is now working on a plan to improve conditions in the southeast. This includes a return to villages program, which has not yet been implemented except in a handful of cases.

The second area of great human rights concern within Turkey is the continued curtailment of freedom of expression. Turkey's broadly-written anti-terror law allows charges to be brought for acts, words, or deeds which promote separatism or threaten the indivisibility of the state.

In 1994, a number of parliamentarians were stripped of their immunity and eight were ultimately tried and sentenced under the anti-terror law. Some of Turkey's most prominent writers, journalists, and entertainers—Mehmet Ali Birand, with whom I have met, Yasar Kemal, Bilgesu Erenus, and others, many others—have been indicted for their speech or words.

Human rights activists continue to be arrested and tried for reporting human rights abuses. All but 2 of the human rights association branch offices in the southeast, some of which I have visited, as you indicated, and where I've met with officials of the human rights association, are now closed.

A third area of human rights abuse involves disappearances and extrajudicial killings. While both have declined during the past 6 months, they continue to occur. More than 300 people have disappeared in Turkey over the last 3 years. So-called mystery murders, where the assailant is unknown, account for a high percentage of the extrajudicial killings. Among the victims of these mystery murders have been large numbers of leaders or prominent members of the Kurdish community, human rights monitors, local politicians, and members of the pro-Kurdish DEP and HADEP parties.

Last May, a Turkish parliamentary committee charged with investigating the mystery murders issued a report which concluded that illegal formations within the state bear some responsibility for these acts and that they need to be cleaned up. I will say more about the importance of reports like this, which are beginning to emerge from within Turkey itself, in a moment. They are examples of the kind of debate that is producing the possibility of significant change and improvement in this area.

One of Turkey's most serious human rights problems is the routine use of torture by police and other security forces during periods of incommunicado detention and interrogation. Despite a constitutional ban against torture and Turkey's accession to international conventions banning torture, between September 1991 and September 1994, 4,149 applications claiming torture, maltreatment, or arbitrary detention were filed with the Turkish parliament's human rights commission.

As you know, Mr. Chairman, we have given a detailed assessment of the human rights situation in Turkey in our own 1994 human rights report. We will do so again very shortly when the 1995 report is released early next year. A more recent report was submitted to the Congress last June on allegations of human rights abuses by the Turkish military.

A key focus of this report was the use of U.S. military equipment in the commission of human rights abuses in the southeast. Many eyewitness reports refer to the use of major military equipment such as armored personnel carriers, helicopters, and trucks. In a number of instances, eyewitnesses have identified the equipment involved as U.S. models.

We do not have information regarding the extent to which U.S. equipment has been involved in village evacuations and/or destruction more generally though most, but not all, of Turkey's major military equipment has been supplied by the United States It is highly likely that U.S. equipment and ordnance have been involved in such operations.

Mr. Chairman, let me now turn to our own government's involvement with the Government of Turkey on these issues because I know how important that subject is to this hearing, and then turn to what is happening in Turkey to address some of these problems.

Over the past 18 months, the United States has been engaged in an intensive, ongoing, and very high level dialog with the Turkish government on how to support our shared commitment to civil society, democracy, and human rights. Ours has not been the only government active in this area. As you know, the European Union, the OSCE, and others have also made their voices heard, but we have

made special efforts which I hope are beginning to bear fruit. I'd like to outline both those efforts and some of what is happening within Turkey.

Our policy of direct and intense engagement on these issues has been implemented at all levels of the U.S. Government including the very highest. Human rights has been a prominent feature of the dialog between President Clinton and Prime Minister Ciller, and between Secretary Christopher and his Turkish counterparts. During his visit to Turkey last spring, Deputy Secretary Talbott hosted a roundtable for Turkish human rights NGO's to discuss their firsthand impressions of the situation there and to show our support for Turkey's efforts to address human rights issues and their own concerns.

The Assistant Secretary of State for European Affairs, my friend, Dick Holbrooke, has raised human rights issues on all recent trips to Turkey, as have I extensively, over the last 2 years. This effort has not been restricted to the White House and the State Department. Our military has had a long and successful relationship with the Turkish military. Secretary Perry, General Shalikashvili, and Assistant Secretary of Defense Joseph Nye have all engaged their counterparts in discussions of human rights during the course of this year.

I've made two trips to Turkey, the first in July 1994 to Ankara and Istanbul, the second in October of 1994 to Ankara and throughout the southeast. I met with representatives of the government, with human rights non-governmental organizations, with members of the bar association, with prominent members of the Kurdish community, and with many ordinary citizens.

During each visit, I was told of the extent of the human rights problems I have mentioned earlier. In the southeast, for instance, I heard firsthand accounts of the traumas and dislocations of village evacuations and burnings. I met with families whose husbands, fathers, and children have disappeared. I heard the accusations that people arrested in the southeast under the anti-terror law can expect to be tortured unless they sign a confession.

These are, to say the least, very serious problems and we are working at every level with the Government of Turkey to address our shared concerns and to develop solutions to these issues. We are gravely concerned about the use of military equipment provided by the United States to Turkey in ways that may involve the violation of human rights. We have conveyed that concern in our report and in direct communications to the Turkish government. We are constantly reviewing proposed arms transfers on a case-by-case basis, and in each case, we make our decision by taking into account human rights concerns as a matter of central U.S. policy and law.

As I said at the outset, Mr. Chairman, Turkey is a crucial NATO ally and a key friend at a strategic political, economic, and cultural crossroads. It is precisely because Turkey is such a valuable international player in such a strategic area and because we seek to maintain and expand our long-term relationship with a stable democratic Turkey, that we must ensure that our assistance and equipment address legitimate security needs and not go toward ac-

tivities that might do irreparable harm to human rights and the fabric of Turkish civil life.

Mr. Chairman, I believe our policy of intensive engagement with Turkey on human rights is working and that positive change is beginning to occur. A broad debate within Turkey is now taking place on these issues. Columns in the popular press are asking questions such as in what direction is Turkey going. Popular television commentators have questioned public policy.

For the first time, government officials have begun to question their own government's decisions in some areas, and parliamentarians have demanded that investigations be conducted of military operations. In short, a lively public debate has been taking shape around these extremely important issues.

Over the past 6 months, the public debate has begun to show some concrete results. Let me mention a few. In July, the Turkish parliament passed 16 ground-breaking amendments to the constitution. The amendments lifted restrictions on participation in politics by associations, labor unions, professional groups, and cooperatives; lowered the voting age and created greater political access for youth; and for the first time, allowed civil servants the right to unionize.

We have seen some early enforcement of these amendments, including the dismissal of illegal assembly charges against some union leaders and the open participation, for the first time, of the Turkish Labor Federation in a political party convention. In short, these amendments provide an important initial set of democracy expansion measures.

Mandatory human rights education has been introduced this year into the curricula of Turkish high schools, and the government has intensified human rights training for the police. Earlier this year, Prime Minister Ciller issued a circular to the police and Jandarma condemning the use of torture in interrogations, and the human rights minister issued a report on police interrogation methods to be used to eliminate torture.

In recent months, there have been modest beginnings of a program to return villagers to their homes in the southeast and to provide them with the basic necessities needed to restore their communities. Prime Minister Ciller and President Demirel, who will be in Washington later this fall, have both strongly endorsed legislation to expand freedom of expression in Turkey, as has the newly elected leader of the junior government coalition party, CHP. The legislation will be taken up by parliament later this fall.

The Turkish security director general has recently instituted a program to require immediate communications with the families of persons taken into custody to eliminate the problem of disappearances in custody. Clearly, positive changes are occurring in Turkey today, but much remains to be done. The success of democratic and human rights reform is vital to Turkey's own future success in a variety of arenas. Much of Turkey's economic progress is intrinsically linked to the strengthening of its democratic institutions. The rate of Turkey's continuing integration into Europe will be heavily influenced by the degree of continued progress on human rights.

The human rights agenda should include a number of actions. We have discussed these extensively. First, the government needs

to cement its consensus that problems of the southeast cannot be solved solely through military action. There should be an end to village burnings and evacuations and provision of assistance to those who have lost their homes.

Second, Article 8 of the anti-terror law should be revised so that words short of incitement to violence are not a crime. And the other laws or provisions that would apply the same standards as Article 8 should not be used to substitute for Article 8 if it is amended. In a democracy, citizens must be allowed to challenge the decisions and policies of their government. Debate over critical issues is the very hallmark of freedom. In this spirit, expansion of cultural, educational, and linguistic freedom of expression throughout Turkey and particularly in the southeast is essential.

Third, the strong statements issued by the government of Turkey against torture need to be given further meaning by adequately punishing those who perpetrate it. New training programs instituted by the government are commendable, but torture cannot be finally eradicated so long as there is an atmosphere of impunity for those who perpetrate it.

Finally, those who have disappeared or who were murdered under mysterious circumstances should be accounted for. In some provinces, an office of missing persons has been established. This example should be repeated throughout the country and these offices should be held accountable for conducting objective and thorough investigations.

To sum up, Mr. Chairman, significant human rights abuses have been taking place in Turkey, but Turkey has a basic commitment to democratic processes. These issues are being debated and beginning to be addressed through significant changes, more of which are clearly needed. We will continue to encourage these changes in the interests of human rights, democracy, and above all, the strengthening of good relations between Turkey and the United States. Thank you very much, Mr. Chairman.

Mr. SMITH. Secretary Shattuck, thank you for your fine statement and for your personal commitment to promoting democratization and human rights in Turkey. We have spoken in the past about your trips there, and thank you for that testimony.

We'll get to questions momentarily, but I'd ask Mr. Adair if he would testify at this point.

STATEMENT OF MARSHALL ADAIR

Mr. ADAIR. Thank you, Mr. Chairman. Thank you for inviting us to come and discuss policy toward Turkey here today. I am very sorry that Assistant Secretary Holbrooke could not be here today. He would, I'm sure, make a very important contribution to these hearings, but he is—

Mr. HOYER. He's doing the Lord's work and he's doing it well.

Mr. ADAIR. Thank you. I will pass that on to him.

Mr. HOYER. Finally he's taking some action that's having some effect, so wish him Godspeed for all of us.

Mr. ADAIR. Thank you, sir. I will try to be helpful to you, but I want to make clear that I don't purport to fill his shoes, either figuratively or physically. Your Commission's briefings for the public, its reports and analysis are a very important resource. Also, your

contacts with your counterparts in the Turkish parliament and throughout the OSCE parliamentary assembly are useful channels for exchanging experiences and broadening mutual understandings. We encourage you to continue that.

I would also encourage you, both of you, and members of your Commission to actually visit Turkey. I think that it would be helpful both for your understanding and also convey an important message to Turkey. I have submitted a statement which I would appreciate your putting in the record, but with your permission, I'd like to make a shorter statement now specifically directed at the title which you've given to these hearings, "Turkey–United States Relations: Potential and Peril."

Let me begin by restating the obvious: Our relations are predicated on U.S. interests. Turkey is uniquely important to the United States. It is located at the confluence of 3 geographic regions and most issues of importance to the United States in these three issues intersect somehow in Turkey. Turkey, as you have noted, is a democratic, secular democracy in a region where neither democratic nor secular values are often held in high esteem. It has a burgeoning and dynamic economy which offers significant opportunities for American businesses, and which can also contribute to economic development in the region.

Turkey is also facing significant difficulties as it seeks to protect its borders, develop its economy, and modernize its democracy. One of these difficulties is the protection of human rights, which is absolutely essential to the stability and growth of Turkey's democracy. There is tremendous potential for U.S. interests in this relationship, and there's also peril. By our actions, we can promote our interests; we can also endanger them.

Let me first address the potential by listing some particularly important areas. This list is by no means exhaustive. The continuing development of Turkey's democracy can promote political stability in Turkey and serve as a model to encourage democratic principles in the Caucasus, Central Asia, and the Middle East. The success of Turkey's secularist model can protect religious freedom in Turkey and provide a dynamic model for other Islamic nations.

Progress in Turkey's structural economic reforms can offer billions of dollars of trade and investment for U.S. companies in Turkey and for those that are not yet there. Turkey's contribution to an economically viable route for the rapid export to Western markets of Caspian and Central Asian oil would promote more rapid economic development in the newly independent countries of that region, and also strengthen the stability of world oil markets.

The corollary to that is the re-investment of some of the profits from that oil in the Russian oil pipeline network could contribute to Russian economic development and a reduction of the great game mentality which has undermined stability and economic development in that region for many years. Improving relations between Turkey and Armenia can promote Armenia's stability and independence and the more rapid resolution of the Armenia/Azerbaijan conflict.

Turkey's continued support for Operation Provide Comfort and for sanctions on Iraq can provide critical support for the international community's efforts to enforce acceptable behavior on the

part of the Iraqi government. Constructive relations with Syria could provide a boost to the Middle East peace process, a reduction in terrorism in the region, and enhance prospects for economic development.

With determined support from Turkey, as well as other parties in the dispute, a resolution of the tragic division of Cyprus is possible. A reduction of tensions between Turkey and Greece would reduce the volatility of the Eastern Mediterranean region, strengthen NATO, and open new opportunities for economic development there.

Turkey can also contribute to a lasting solution in the Balkans, both through its active support of Western efforts to promote peace there and through a moderating influence in the Islamic world. All of these that I've listed are possible; all of them are in our interests; all of them are in Turkey's interests. However, there are also dangers. The obverse of each of the above could also happen. Let me just name a few.

First, the confusion of the modernization process in Turkey could overwhelm progress in economic development and democracy. Second, many in Turkey could succumb to the temptation of simplistic nationalistic or fundamentalist answers. Third, the great game mentality in the Caucasus and Central Asia could win over practical, pragmatic economic opportunity.

Fourth, Turkey could allow certain trends in its domestic politics to dominate its agenda with Greece and Cyprus, and substantially increase volatility in the region. And finally, Turkey might fail to address fundamental weaknesses in its democracy like the human rights problems we are here to discuss today and which were described earlier.

Our actions in this relationship can promote our interests or they can endanger them. I would define the alternatives facing us as follows: We could encourage moderate and pragmatic forces to take necessary risks for democracy and economic development, or we could unwittingly supplement the forces of confusion and rejection. With regard to the latter, we must recognize that there is a danger that we could stir up nationalistic pride and anti-Western sentiment by appearing to threaten or dictate changes in internal affairs, or by supporting or appearing to support attacks on Turkey's national integrity.

We could raise unrealistic expectations by suggesting to individuals or groups that they can circumvent their country's own democratic processes by appealing to international forces. We could reduce Turkey's ability to protect its borders or to meet NATO obligations by placing excessive restrictions on the transfer of equipment and technology.

Mr. HOYER. Mr. Adair, could I interrupt you one second? I'm looking at your statement. Are these points included in your statement?

Mr. ADAIR. I'm sorry. As I said, I made the other statement for the record. All these points are not included in the written statement I submitted. I have submitted this one to you as well, and so they are in written form, but I wanted to take this opportunity to address the title of your hearings, which I only became aware of late on the weekend.

Mr. HOYER. I apologize for interrupting your train of thought. I was just trying to find out, because I think the points you're making I'm interested in. Some I agree with, some I don't. I want to get back to them, but I couldn't find them in here.

Mr. ADAIR. Well, I'll give you this as soon as I finish with it and you can read it.

Mr. HOYER. Thank you. We'll make copies of it. I apologize.

Mr. ADAIR. On the other hand, if we want to promote the more positive alternative, we will need to demonstrate a dynamic partnership on key issues such as the customs union, such as NATO, such as the issue of the PKK. We will need to continue to assist materially where we can.

We will need to continue and expand dialog on areas of mutual interest such as the Caucasus, Central Asia, and Iran. We will need to support Turkey's increased participation in multilateral activities such as Western efforts to bring peace to Bosnia and the Middle East. And we will need to maintain an active, firm, but non-threatening pressure for improvement in areas such as human rights.

To conclude, Turkey is uniquely important to the United States. We now have a strong and positive relationship with Turkey which seeks to promote our interests there and in the region. There is both tremendous potential and peril for U.S. interests, and by our actions, we can promote our interests or we can endanger them. The issue of human rights is an important part of this equation, and I will try to answer whatever questions you may have. Thank you.

Mr. SMITH. Mr. Adair, thank you for your testimony. I think your point about the advisability of a visit to Turkey is a good point. My visit to Turkey, as part of a CODEL appointed by the Speaker, was at the end of the Persian Gulf War, when Provide Comfort was first initiated. I saw firsthand the tensions between the Turkish military and those Kurds who were then fleeing right up to the border and were in some of the camps. As a matter of fact, one of the camps we visited during that trip actually had violence break out the next day. People were killed.

Those tensions obviously remain unabated. Perhaps it would be very timely to go back, and I thank you for that suggestion.

Mr. Secretary, you spoke of the reports of 4,149 acts of torture and other kinds of mistreatment between 1991 and 1994. You also made mention of the Turkish parliamentary human rights commission. We all welcomed the strong statements made by the Turkish government vis-a-vis torture and the importance of ending torture. But what is tangibly being done to stop it? And, have we seen any indications yet that the use of torture has mitigated in Turkey?

Mr. SHATTUCK. Mr. Chairman, let me make—

Mr. SMITH. In your answer, please describe the role of the Turkish Parliament's commission on human rights. What kind of real power do they have?

Mr. SHATTUCK. Yes. I want to make clear that the figure that I cited was the number of complaints that had been received.

Mr. HOYER. Was that 4,729?

Mr. SHATTUCK. I believe it was 4,149, if I'm not mistaken.

Mr. HOYER. Four-one-four-nine?

Mr. SHATTUCK. Yes, 4,149, that's right. These are applications claiming torture, maltreatment, or arbitrary detention filed with the Turkish parliament's human rights commission between September 1991 and September 1994.

Mr. Chairman, the issue of torture has gone back some time, in the history of Turkey and many other countries. It is an issue that is now part of the public debate that I was describing. Not only is it being condemned much more frequently and systematically by the leadership of the country—by Prime Minister Ciller, in particular—but also we are now beginning to see very early policy efforts to address police methods that are used that involve torture.

I'm not making claims that there's been significant reduction, but the report that was issued this year by the new human rights minister on specific police interrogation methods that should be used and those that should not be used, and the circulation of that report throughout the police and the Jandarma was an indication that we're not now just talking about leadership statements, but about the beginnings of policy implementation.

The human rights commission of the Turkish parliament and the position of minister for human rights within the Turkish cabinet are important instruments for potential reform. The new minister is taking a stronger and more systematic approach and is indeed the person responsible for the issuance of this report.

The parliament has an internal committee on human rights. Its ability to work has been somewhat circumscribed, and we have not seen a great deal of positive results coming from that body. But the recent examples that I cite of the work of the human rights minister and his office are, I think, very positive.

There's no question that torture is probably worse in the southeast, and this is another reason why it is important to find a different approach to the issues there, an approach that engages civil society and where reforms are brought to bear so that there is a reduction in such abuses as torture.

Several parliamentary leaders are raising serious questions about the approach that the Turkish military has taken in the southeast—an important illustration of the beginnings of progress in the internal debate.

Mr. SMITH. Last July during the foreign assistance debate, General Shalikashvili contacted Members on both sides of the aisle and said, and I quote, "The Turkish military leadership is backing progress on human rights and is ready to make a concerted effort to see democratization legislation pass." How would you rate and describe the relationship between the political leaders and the military, whether or not the military has delivered on those promises, and whether or not such a role by the military is healthy? If they are so involved and have that kind of clout, what are they doing to mitigate the use of torture?

Mr. SHATTUCK. The relationship between our military and the Turkish military is, as you have indicated in your statement and I've testified and Mr. Adair has also emphasized, very strong and long-standing. The engagement at the highest level between General Shalikashvili and the Turkish General Staff, as well as at other levels, is very, very important.

It has also been important in addressing issues of human rights and democracy. There is certainly no intention, either on the part of the Turkish military or on our own military, to draw the Turkish military into specific civilian politics but rather to articulate the importance of taking a different approach toward these internal issues that we've been describing, and specifically to address the broader democratization approaches that are being debated in public.

As far as torture specifically is concerned, this tends to be an issue with the Jandarma more than with the military. That is not to say that the issue doesn't deserve to be raised and very aggressively addressed by the Turkish military to assure that there is no use of torture by the military.

Mr. SMITH. Mr. Adair, did you want to comment?

Mr. ADAIR. If I might, yes. Thank you, Mr. Chairman. I think you have to first of all look at the role of the Turkish military in Turkey historically since the 1920's. The Turkish military has played the role of, essentially, the guarantor of the democratic process and is looked to by many sectors of the public. Now, how it has actually conducted that role, there may be some differences of opinion as to whether it was positive or negative, but it has stepped in on several occasions when Turkey was facing very, very difficult problems that the democratic process was not making headway on.

That said, the Turkish military also restricts, at least in principal, restricts its activity to being a guarantor, and in principal, when that role is not actively needed, tries to step back. They have been essentially stepping back, I would say, for the last five to 10 years and trying to stay out of the political realm. That said, they are a very respected force within Turkey on these questions, and as you know, the political spectrum is very broad in Turkey and if they were to oppose efforts to reform or to make progress on human rights, it would be very difficult to make progress.

It is in that light, I believe, that General Shalikashvili wished to reassure the Congress, at least, that the Turkish military is very supportive of the current process of human rights reform in Turkey. I don't think that—I think that the answer to your question about whether this is dangerous, I think the answer to that is no, certainly at this point.

Mr. SMITH. Just for my understanding and that of the Commission, is there an active dialog between General Shalikashvili and the Turkish military with regard to human rights or was he just conveying a message? Are these issues talked about? It seems to me that having the U.S. military raise such issues would have added weight given the fact that they are peers and they would both have a military mindset.

Mr. SHATTUCK. Let me just make a comment and then indeed I would like Marshall to answer further. The active dialog on human rights and the intense discussions on human rights that have taken place at all levels of our government and the Turkish government certainly have included the Turkish military through General Shalikashvili. That dialog, of course, covers a very broad range of issues, but what both Mr. Adair and I are stressing here is that the issue of human rights including the specific subjects that I've been describing here have all been part of that dialog, a central

part of it, in each instance over the last 18 months. This is, frankly, I think, unprecedented since it has become a very central issue in our discussions with Turkey.

Mr. SMITH. Mr. Hoyer.

Mr. HOYER. Thank you very much, Mr. Chairman. Let me start by making an observation. I had an opportunity in Madrid in the spring of 1990 to give a speech at what was then the formation of the Parliamentary Assembly of the Organization of Security and Cooperation of Europe, then known as the CSCE rather than the OSCE.

The thrust of my speech in April 1990 was that the Soviets needed to exit the Baltic States and they needed to do so forthwith. Shortly after that, a British parliamentarian rose and spoke criticizing my speech, in effect, as demanding that which was unrealistic and therefore destabilizing the debate and the comity that while the observance of human rights in the Baltics was certainly a legitimate demand, it was unrealistic to expect Soviet withdrawal.

The reason that occurs to me is because, quite obviously, within months, less than a year, the Soviets had, in fact, essentially withdrawn from all the Baltic States. As a matter of fact, by that September, I believe, in Moscow, we admitted the Baltic States as a full member of the OSCE.

Now, let me tell you why I say that. Both of you have emphasized what the Chairman and I also emphasized: Turkey is a very important strategic ally. You ended your statement, Secretary Shattuck, that our interests were "above all, strengthening the relationship between ourselves and Turkey." Mr. Adair's comment was that Turkey is uniquely important to the United States.

Let me say that I think one of the greatest threats to human rights in the world is the economic and military interests of sister states who are cowed into somewhat indifference. I do not mean we are. Your statements do not reflect that, but are somewhat neutralized in their advocacy of the human rights principles by their economic and military strategic interests.

China obviously poses tremendous economic opportunities for the West, and in my opinion, we are somewhat silent, not totally silent. When China arrests a famous activist arrested, we raise a hue and cry. The activist is released, and the hue and cry somewhat disappears as if, in fact, that was the solution to the human rights problems that exist when, in fact, it clearly was not. It was symptomatic of those problems, not an indication of their solution.

I've been at this business vis-a-vis Turkey quietly for a long time, certainly since 1986 or 1987, when I became Chairman of the Helsinki Commission. We've done it quietly and I want to tell you, frankly, to the consternation of the State Department who was worried about undermining this uniquely strategically, critically important relationship. Mr. Adair, you go through six or seven reasons why we really ought to make sure that we're OK with Turkey.

I want to be OK with Turkey. I presume the Turkish government is represented in the room, although they're not testifying. I believe Turkey is all that you say it is in terms of importance. But notwithstanding that, the strengthening of our relationship is a primary goal of our foreign policy and is a strategically important

goal. I think that we must fight the inclination to thereby somehow rationalize progress when no progress exists.

Torture was a major problem in the middle 1980's, the beginning of the 1980's, in the 1970's, in the 1960's, in the 1950's, and for millennia previously. It continues to be a problem, while I think the police—you referred to them as Jandarma—are certainly primarily engaged, as a historical, cultural, accepted way of doing business. That's why this is so difficult. I understand the problems the Ciller government has, but this is an accepted, historical practice and it's difficult to overcome. But we need to be, in my opinion, a lot more militant in our approach to human rights abuses throughout the world—not confrontatory per se, but militant.

Mr. Adair, you also mentioned some phrases that I've been used to hearing. The Turks believe that we're meddling in their internal affairs.

Two minutes to vote. I'll be back.

[Recess]

Mr. SMITH. The Commission will resume its hearing. Mr. Secretary, as you know, the Turkish military, by their own admission, has de-populated over 2,000 Kurdish villages and created more than two million refugees in the process. Again, this is very similar to what we've seen occurring in Bosnia with ethnic cleansing.

Mr. Adair might want to comment on this as well. What steps has our government taken to ensure that U.S. military hardware is not being used in those activities?

Mr. SHATTUCK. Mr. Chairman, let me make very clear what we have done and what our reports and direct communications with the Turkish government have said on this subject. As you know, we prepared a publicly-released report for the Congress on the use of military equipment in the southeast provided by the United States in ways that may involve violation of human rights.

In that report, which I will submit for your record in addition to its previous submission, we reached a number of conclusions that I stated in my earlier testimony. I don't think I'll repeat them here. But we have conveyed this report and the concerns that the report raised directly to the Turkish government.

We are constantly reviewing any proposed arms transfers on a case-by-case basis, and in each case, as a matter of policy and of law, we make our decision based on human rights concerns. As you well know, both the Foreign Assistance Act and the Arms Export Control Act require human rights concerns to be taken into consideration.

It is by the case-by-case review of arms sales/transfers that we address human rights problems in Turkey as in all other countries. The June report that we prepared on this issue covers much more than just the issue of arms. It goes into the whole range of human rights questions in the southeast in a more exhaustive fashion than our annual human rights report has done, and that information has been conveyed to the Turkish government.

Mr. SMITH. Do we have near immediate or immediate access to the sites or is this done after the fact, as people come forward with perhaps photographs and other kinds of descriptions as to what happened? What kind of surveillance do we really have to ascertain whether U.S.-supplied materiel is being used?

Mr. SHATTUCK. Our report notes that there are many eyewitness reports that refer to the use of major military equipment such as armored personnel carriers, helicopters, and trucks. We have interviewed eyewitnesses of village evacuations. U.S. human rights NGO's have also issued reports. Officials from our embassy in Ankara and our consulate in Adana travel frequently to Turkey's southeast. In some cases, they have endeavored to obtain direct access to certain areas that were the subject of allegations of village burnings and evacuations, but in some cases, they did not receive permission from the government of Turkey.

Overall the source of the information is the reporting that has come through our embassy and through eyewitness accounts and through information provided by organizations which we have found to be credible.

Mr. SMITH. Mr. Adair?

Mr. ADAIR. I don't have anything to add to that.

Mr. SMITH. How do we respond when we have credible evidence that U.S. materiel has been used?

Mr. ADAIR. How do we respond to—

Mr. SMITH. How do we respond to Turkey?

Mr. ADAIR. As Assistant Secretary Shattuck pointed out, we do try to keep track of these various reports and when they come to our attention, we try to raise them. We try to raise the ones which we believe to be credible with the Turkish government, and we do seek information from them on some of these, and as John pointed out, we do try to visit the selected sites. We're not capable of visiting all of the places where these things are reported.

We have a limited capability to follow up on these things, but we have tried to gather as much information as we can.

Mr. SMITH. What do we do? We raise the issue, but where does it go from there in terms of protesting threats? Are protests made and do we indicate that future shipments and sales may be put in jeopardy if such use continues?

Mr. SHATTUCK. As I said earlier, the Foreign Assistance Act and the Arms Export Control Act provide public standards for our review on a case-by-case basis of every proposed arms transfer. Of course, the Turkish government is well aware of our law, and we have drawn their attention to it.

I will not, at this point, go beyond saying we are constantly reviewing, in all cases, any proposed arms transfer on a case-by-case basis. Human rights is central to each of those determinations.

Mr. SMITH. Several months ago, the International Relations Committee and then the full House approved the Humanitarian Aid Corridor Act which I introduced and offered to the foreign aid bill, H.R. 1561. On the appropriations side, Mr. Porter offered an amendment I also supported—as did a majority of Members—which reduced aid to Turkey because of the concerns that we have over human rights abuses.

Now, there are some who say that we're interfering, that this is not timely because it may exacerbate the problem in Turkey by putting the pro-democratic forces at a disadvantage. I think it's so important to ask questions with regards to the misuse of U.S.-supplied equipment in what can be described as ethnic cleansing, but it seems to me that when we have the opportunity, and we protest,

we should have an idea of how it goes. When do we finally say the policy should kick in, that we're going to withhold aid, and we're not going to provide money or military assistance to Turkey?

Again, I'm aware of the balancing act, the tightrope that some suggest that we're walking, but on the other side, as you said, Mr. Secretary, I think to use your quote directly, there is a routine use of torture in Turkey. If the situation is truly getting better, I think that leads to patience on the part of Congress. As you know so well, when appropriation or authorization bills come up, we must deal with a snapshot of the situation at that point in time with some expectation of where we might be going in the future.

What is your impression of the legislation that has passed in the House, both Mr. Porter's amendment and my own? Is it helpful? Is it injurious to your efforts vis-a-vis Turkey, Mr. Adair?

Mr. ADAIR. All right. Let me say first of all that the expression of your concerns and the discussion of these issues here in Congress is very important, as well as any initiatives that you may take to discuss these things directly with your Turkish counterpart because these are issues that need to be discussed. These are issues that need to be worked on.

Our goals are the same. The answer, my simple answer to your question about what do we think of the bills themselves, the administration has opposed both of those initiatives because we believe that actual passage of these two pieces of legislation would not only not help, they would hurt the situation, both of them, the situations that both of them are trying to address.

You and I were able to discuss the issue of the Humanitarian Aid Corridor Act in some detail earlier. I could review that again for you here if you like. There, on that particular issue, it's not just an issue of demanding or trying to force something with the Turks that they don't like, the relationship between Turkey and Armenia and the issue of the conflict between Armenia and Azerbaijan and how that impacts on domestic politics. It's a very sensitive one in Turkey.

Both Turkey and Armenia have been trying very hard to normalize their relations and open those borders. We believe that there are some signs of progress and there is real hope that they can resolve this. The problem with the United States actually passing a piece of legislation which imposes punitive measures on Turkey if they do not take this step is that that impacts on that sensitive domestic political agenda, and in effect, would stir up more opposition to the difficult step which the government of Turkey would have to take in order to make progress here.

So we believe that that particular piece of legislation would not be helpful, it would hurt. With regard to reducing the level of economic support funds, again, we have made our proposals for assistance to Turkey, both on the economic side and on the military side, with a view to promoting certain interests that we have and encouraging Turkey to make important changes there, in particular with regard to the economic funds.

We are pressing and we are encouraging Turkey to make important structural economic changes, to work with the IMF, with other international institutions to reform their economy in ways that will

make it more healthy, more broad-based, and better for the entire region.

To reduce our assistance would work against that. And in addition, there isn't really a history of success in either threatening Turkey with punitive measures or actually imposing them. If you go back throughout history, when we have tried to do these things, it just hasn't worked very well.

We are allies, we have a close relationship. The dialog that we have on all of these issues is not passive. We don't just go in and give lists and say, "Please give us information on this." It is a very dynamic dialog. We are constantly pressing, suggesting, and trying to find pragmatic ways to make the changes that we think are necessary actually happen.

Mr. SHATTUCK. Mr. Chairman, let me just add a few words to that because I think your question really goes to the heart of what it is we're all talking about here today, what we are trying to accomplish? What will work? How can the human rights abuses that have been very publicly and clearly identified be reduced? How can the issues in the southeast of Turkey be addressed?

These aren't easy questions to answer, to be sure, but they are questions that we need to constantly ask ourselves in terms of what it is we are doing to make progress. What I will add to what Mr. Adair said is that the United States and other countries have, as perhaps never before, been clear, strong, and public on these subjects and have entered into as intensive a discussion with the Turkish government as has ever occurred. As a result, there are changes that are beginning to occur.

Torture has never been condemned before in Turkey in the way it is being condemned today. That doesn't mean that it is being stopped, but clearly, the direction is important here. The discussions that we have also result in public information being released in Turkey. Each time I have visited Turkey, I have had press conferences in Turkey and made these issues and our approach to them publicly well-known.

But I think as Mr. Adair says, we've got to make sure that we don't curtail the very process that we're trying to encourage in any particular ways that we might do through legislation. The work of this commission and the Congress and the public settings, the hearings that you're having here today, and your own commitment to travel and engage on these issues with other members, I think, is absolutely critical.

Mr. SMITH. Mr. Secretary, thank you. We will suspend again briefly. There are four back-to-back votes. They're only 5 minutes in duration and Mr. Hoyer asked me specifically if you could stay. He had some additional questions and so do I. I would understand if you can't, but we'll take about a 20-minute or so recess. Thank you.

[Recess]

Mr. HOYER. The chairman has asked me to reconvene the hearing. He will be back shortly, but I want to apologize to you, Mr. Adair, and Mr. Shattuck. I apologize to all of you as well who are in the audience. One of the problems with having a session while you're also having hearings is the disruptions that we've experienced.

Internal affairs is what I think I left on, as you may recall, and my question is a philosophical one and a practical one. I'd like to hear the premises which underlie our handling of the human rights issues as it relates to the economic, and not so much economic as it relates to Turkey, but military strategic questions.

Mr. SHATTUCK. Thank you, Mr. Hoyer. Let me take a crack at it and start by saying that we did have some discussion of this earlier and I want to put on the record what I had previously said when the chairman and I were discussing it just before the last break.

What I want to say above all is that with respect to Turkey, the issues of human rights and democracy have been pressed and are being pressed and discussed in a very clear, strong, and public manner as never before. In that respect, I take issue slightly with your earlier general point, which is that perhaps these issues are not being pressed sufficiently or discussed sufficiently.

Above all we are, together with our close friends in Turkey, trying to achieve progress and that's the most important goal here, not just taking public positions. Of course, taking a public position is a very important element of the work of this committee: this hearing, my trips to Turkey, and others' public statements in Turkey on these matters, our engagement with our friends in Turkey in the public debate about human rights, and particularly the discussion of very difficult issues such as the fact that much human rights abuse has occurred in the southeastern part of Turkey as a result of a particular approach toward terrorism. These points have been publicly and repeatedly stated on the record.

We need to use our relationship with Turkey, which is a good relationship, to see that human rights abuses are addressed. As I indicated in my opening statement, we believe that the public debate going on in Turkey is having a direct positive effect on the parliament and on officials within Turkey with regard to human rights questions, and the public debate reflects in part results of our approach.

It's an approach that has involved all levels of the U.S. government from the President to myself and many other officials as well, of course, including the military at the very highest level. So I think the answer to your question is that working within the relationship, within the strategic, economic, and diplomatic relationship, human rights and democracy have been absolutely central to our approach to Turkey in the last 18 months, perhaps as never before, and I believe that results are beginning to be shown.

Mr. HOYER. Mr. Adair, did you want to make a comment on that?

Mr. ADAIR. Well, you asked philosophically where human rights fit in. I think that's fairly clear. Respect for human rights and the protection of human rights is essential to a stable democracy, and Turkey is a democracy. We happen to believe that democracies are the most stable form of government over time, and therefore we think it's very important that Turkey have a healthy, functioning democracy, both because it helps to provide an element of stability in this very volatile part of the world, and also because it helps to strengthen Turkey's ties, its sympathy, its social and cultural connections to the West—again, something that's very important to us in this region.

But the issue of human rights, therefore, is a core issue. It's a very important issue because it is their center of the issue of democracy.

Mr. HOYER. Thank you. I also said philosophically and pragmatically.

Mr. ADAIR. And pragmatically. Assistant Secretary gave the answer to most of the pragmatic side. I can do some more if you want.

Mr. HOYER. Let me ask you 3 pointed questions. A.) does the State Department support fencing of dollars for either economic or military objectives based upon human rights performance?

Mr. SHATTUCK. Again, Mr. Hoyer, and I apologize that we're responding by saying that we had made some comments to that effect on this question earlier, but very—

Mr. HOYER. I apologize for asking the question redundantly.

Mr. SHATTUCK. Very briefly—

Mr. HOYER. If you've answered it, then we can—

Mr. SHATTUCK. I'm happy to rest on the record as we've answered it, but I don't want to disappoint you in terms of not answering it.

Mr. HOYER. I guess it depends upon what the answer is—

Mr. SHATTUCK. I thought you might say that.

Mr. HOYER [continuing]. As to whether I'm disappointed or not.

Mr. SHATTUCK. Our response earlier is that we believe that the very strong public and private engagement that we have with the Government of Turkey on these issues is the appropriate way to go, and at this time, it is not clear that we would achieve any positive objective by having, as you put it, a specific fencing of dollars. That's a matter, obviously, for the Congress itself to make its own determination about, but we, on our part, want to make clear that the approach that we're taking is, we believe, the right one to be taking.

Mr. HOYER. Thank you. Have we called for the release of the Turkish officials who have been incarcerated as a result of the—publicly?

Mr. SHATTUCK. We have publicly expressed our concern with the process by which they were tried. I've visited them in prison in Turkey and had a press conference in Turkey at that time.

Mr. HOYER. They are still in jail, however?

Mr. SHATTUCK. Some of them are and several have been released. I can't recall the exact numbers.

Mr. HOYER. Is it our assessment in calling for their release that they were incarcerated contrary to both U.N. and Helsinki human rights agreements and principles?

Mr. SHATTUCK. We are very concerned about the fact that by all appearances they were incarcerated and convicted on the basis of speech. They also have a right of appeal directly to the European Court of Human Rights, and we understand that that appeal may be forthcoming.

Mr. HOYER. I don't want to be argumentative or confrontational, particularly with a member of the Commission. Is that a yes or a no?

Mr. SHATTUCK. We believe that their conviction is contrary to a broad range of international standards, that's correct, including the

Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

Mr. HOYER. One additional related question. Do Armenian, Greek, Jewish, or other religious minorities in Turkey face discrimination or other impediments to their right of worship today? Does the report include findings on that issue?

Mr. SHATTUCK. The status of the Greek Orthodox and Armenian churches and the Jewish community is recognized under the Lausanne Treaty and each religious community has the right to worship freely in Turkey. However, the Turkish government must approve the operation of institutions connected with these non-Islamic religious institutions, and the Ministry of Education controls the curriculums in the foreign language schools operated by these communities.

All three communities are concerned about the possibility of rising Islamic extremism. The Armenian and Greek churches have experienced minor security threats and harassment from Islamic extremists during the last few years. My impression is that the Turkish government has responded appropriately to meet the security needs of those minority communities. Clearly there are issues there.

Mr. HOYER. Thank you. Mr. Chairman, just one closing observation. I have always perceived the role of the Commission and the role of the State Department as different—complementary but different. It is important, I think, that the Congress and other public bodies perhaps be more publicly confrontational. However, I think it equally important that the State Department has the day-to-day responsibility of dealing with a very important friend, a friend and ally. We have, in my opinion, many strong advocates within Turkey of the objectives that we seek.

I think we strengthen their hand, from the Congress' standpoint, raising the issue publicly. I would just hope that the State Department, although perhaps not as openly or what Turkey would perceive confrontationally, nevertheless forcefully state a point of view which I think is essential if Turkey is going to continue to be a respected full partner in the Helsinki process.

As the representatives of Turkey know and as you know, in the OSCE Parliamentary Assembly, the last two annual sessions in Vienna and in Ottawa, Turkey had a very rough time with the overwhelming majority of its fellow nations within that process in terms of sanctions on its activity.

Thank you, Mr. Chairman, and thank you for this hearing.

Mr. SMITH. Thank you, Mr. Hoyer. Mr. Porter? Before Mr. Porter begins, we've made arrangements to have the room beyond one o'clock.

Mr. HOYER. It was a ruse to get me to shut up. [Laughter.]

Mr. SMITH. So let me inform our next two witnesses that we look forward to their testimony. Mr. Porter?

Mr. PORTER. Well, I was going to try to compress what I had to say, but I'll take a little longer. John, let me recount some things that I believe are so, and you stop me if they are not so.

OPENING STATEMENT OF HON. JOHN EDWARD PORTER

There is in Turkey a heavy repression. Some call it genocide, but let's call it a heavy repression of the Kurdish minority that has included extrajudicial killings, forcible evacuations of villages, and routine torture. There are some 4,000 people who have been killed in this process in the last few years. There are three million people who are refugees within their own country as a result of it.

And it has, most recently, extended from the southeast across the border into northern Iraq with the incursion of the Turkish army, some 30,000 troops, attempting to ferret out what they call terrorists in northern Iraq in the Kurdish communities.

Turkey blockades U.S. assistance to our ally and friend, Armenia, working with Azerbaijan, causing us to spend millions of extra dollars to transit that assistance through Georgia. Turkish troops have occupied one-third of northern Cyprus for the last 21 years and Turkey has not been helpful in working with the Turkish Cypriot minority who responds only to them in bringing about a resolution and a re-unification of the island nation of Cyprus.

The anti-terrorist law, united free speech, and people who criticize the government policy of violence toward the Kurds are tried and imprisoned, including, I believe, eight members of the Turkish parliament. You just said some of them are still in jail and they are currently in the process of trying their leading author for sedition for suggesting that this policy is not a wise policy in print.

Turkey makes your job, Mr. Adair, awfully hard, it seems to me. There has been, in my understanding of all this, not only no progress made in any of these areas, but also a regression hugely over the last few years. Turkey has gotten much worse as a repressor of human rights.

Now, when you say that Turkey is a democracy, I would suspect that you're referring to the fact that they have elections and transfer power that way, but I think there's more to a democracy than elections. Democracies, as we wish to see them constituted, at least have to have basic protections for minority rights. They have to have free speech; otherwise, they're not a democracy.

In the face of all of this, if I understand it correctly, it is the policies of this administration to directly support the Turkish army's incursion into the Provide Comfort zone. We didn't not criticize it, we supported it. If I understand it correctly, and if I understand Richard Holbrooke correctly, having met with him on this, Mr. Adair, it's the policy of this administration, in the face of all this, to support Turkey's entry into the European Economic Union.

When I suggested to Mr. Holbrooke that perhaps he might have the cart before the horse, that we ought to see improvements and progress change in all of these areas before the United States might support Turkey's entry into the European community, he suggested no. He responded that wasn't the policy of the administration, that the administration supported it and would hope that changes would occur afterwards because of this support.

Frankly, that sounds like a bankrupt policy to me. We want to think of Turkey as our ally and as our friend and yes, obviously, she's strategically important and she's a nation of over 60 million people. But don't we have any leverage here to change things and to bring about a Turkey that reflects, at least in some modicum,

the values that this country believes in and stands for, or are we going to stand aside in this administration, as we have, unfortunately, in previous ones, and not done the things that can bring about change?

The first way I would say to do that, the strongest way I would say to do it, is to say to Turkey, "We're going to oppose, with every fiber of our nation, your entry into any economic union until we see progress in every one of these areas. You're going to stop disrupting humanitarian assistance and causing U.S. taxpayers to pay more money. You're going to be forthcoming and work to provide for the re-unification of Cyprus and get the troops out and let this nation be a nation.

"You're going to stop repressing your Kurdish minority and give them rights,"because no nation, especially a democracy, no nation who has citizens, and we're talking about 15 million people who believe that the government is a repressor of the rights and not the protector of their rights, can ever call itself a democracy, yet alone have a future that has any stability in it.

If you have a policy only of violence toward your minorities, especially numbers like that, you have no future at all. And good God, shouldn't the United States be taking a strong role in trying to change these misguided policies that have no reflection of our values and are impacting our allies all around the region?

I've gone from north to west to east to south. Every place around Turkey the relationships are terrible, including with Greece. And yet we stand on the sidelines and say, "Oh, these guys are important. We can't do anything about this. We're going to support them in anything they want to do." I think our policies are absolutely nonsensical, bankrupt, and ultimately will lead right back where we were before, to a military dictatorship in Turkey because that's all they'll have left to do. Now you can respond any way you'd like to.

Mr. SHATTUCK. Mr. Porter, thank you. Let me first respond. The heart of my response is that our policy over the last 2 years involves a high-profile and especially serious effort to engage the Government of Turkey and others within Turkey on human rights and democracy than any other previous administration. I'm talking at all levels, including—

Mr. PORTER. John, we appreciate that. The hallmark of this Congress is that we're looking for results.

Mr. SHATTUCK. I understand that, and that is, indeed, the heart of what we're trying to talk about this morning. Certainly the need for progress is very clear. This heightened engagement from the President on down, and certainly involving military-to-military engagement, is starting to show results very concretely within Turkey.

We, of course, are not the only country that is engaged in this. As you indicated, the European Union, certainly the OSCE are very actively engaged with Turkey on this subject right now, and on the subject of the Customs Union.

Mr. PORTER. We might have taken a clue from our French and German and other allies in Europe. When the Turkish troops went into northern Iraq, they cut off help and they criticized them severely while the United States was saying, "Oh, we support this."

Mr. SHATTUCK. Well, we also worked very closely at that point with Turkey to make sure that the rules of engagement very clearly limited any impact on civilians, and as best we can tell from the evidence, that has been the case. I think that was, in large measure, a result of our engagement.

I didn't stop you on human rights concerns because, in fact, that is very much our shared view about the situation, particularly the concerns that we have expressed about the situation in the southeast, and also the climate of freedom of expression with respect to the anti-terrorist laws.

What we have seen recently is a livelier and broader debate in Turkey than has ever taken place before, and that is beginning to show results in the parliament. Certainly it showed some preliminary results in the parliamentary amendments to the Constitution that were adopted that broadened political participation.

Also encouraging are the directives against torture that are now coming not only from the highest levels of the Turkish government, but at lower levels as well and the Human Rights Minister's issuance of standards of police interrogation. I won't go through all the matters that we discussed and that are set out in my testimony, nor am I saying that this is by any means the full picture that needs to be painted in terms of significant change.

But I do believe that when those within the Turkish government and outside within the popular press, for example, are themselves calling into question some of these issues, I think you have the signs of more support for and more progress on human rights than we have seen in the past.

Mr. PORTER. I wish I believed that, but very frankly, every time we get to this point in our discussions, there's some cosmetic thing done in Turkey. Let me say, the constitutional changes, if you look to what the changes are, are what brought them into the 19th Century maybe. That isn't going to serve that purpose. They should understand that, but I'm afraid the message we get, "Oh, boy, that's encouraging, isn't it wonderful you're doing these things," nothing's really happened.

The killings go on, the blockade goes on, the occupation of Cyprus goes on, no progress goes on in anything except they make a few changes in the Constitution which are things that anybody would say should never have been there in the first place, and we call that progress and say, "Aren't you wonderful."

I'm sorry I'm being so blunt, but you get to a level of frustration. I've been dealing with this thing for 15 years in the Congress and there may not be institutional memory because administrations change, but a lot of people here in the Congress who have been seeing this, I think see it exactly the way I do. I think the vote on an amendment to cut off just a small portion of aid to Turkey to send them a message was an indication of the frustration of this Congress with all the administrations and the lack of progress in any of this, in fact, the worsening of the situation, the appreciable worsening in recent years.

I think the time has come for the president of the United States to assert the values of this country and to tell the Turkish government that if they're going to be our ally and we are, after all, the 800-pound gorilla here, they're going to have to have some minimal

standards of human rights and freedoms in their country or we're not going to play their game. We've played it long enough.

Mr. SHATTUCK. Clearly the goal is the same. The question is how to get there. I know that there are different points of view that we're going to have in our own government on this. I think the clarity of the message that is being delivered by all parts of our government now and the public nature of that message are very helpful.

Mr. PORTER. Can Mr. Adair address the question of policy on the EU?

Mr. ADAIR. Sure. I'd like to address some of the other things as well if I may. In a way, as I listened to what you're saying, Congressman, I almost wish that I could agree that what you're saying is true because what you come to is a conclusion that if we would just do something, we could solve the whole situation, we could solve the problems of the region, but I don't believe that.

Mr. PORTER. Well, my conclusion clearly is that if we do nothing, it will only worsen.

Mr. ADAIR. OK. Well, I guess what I'm saying is I think that your evaluation of the situation is more simplistic, more simple than I would describe it. Specifically on several of those issues—well, let me first say that Turkey—you made the point that Turkey has terrible relations with all of its neighbors. We've said this before. Turkey is located in a very difficult neighborhood, and Turkey is not the only country in the neighborhood that has difficulty with all of its neighbors. Virtually every country does.

Mr. PORTER. All of its neighbors are far smaller, weaker countries than Turkey is. There's no threat to Turkey's existence from Greece or Armenia or Cyprus.

Mr. ADAIR. The issue is not just whether it's actually being threatened. The issue is the difficulty of having good relations in the area, and you have the situation, of course, a little bit further away in the Balkans where you've got an active war going on. At least we do not have that to that degree in and around Turkey.

Let me just address a couple of the things that you mentioned there. With regards to the situation with Armenia, it is true that Turkey has closed the border with Armenia. They did that in response to the events in Nagorno-Karabakh and what they believed was Armenia's support of essentially the taking of Azeri territory.

Now, you can argue about where this all started, but they believe that they have a valid concern there, and I would say to you that in our dialog—we have talked about this constantly with Turkey and also with the government of Armenia—we've tried to encourage both countries to find a way to patch up their differences or at least begin doing it so that they can open those borders. We believe that they are both working that way.

Mr. PORTER. I hate to interject this, but we're talking not about military material. We're talking about energy supplies, medical supplies—

Mr. ADAIR. I know.

Mr. PORTER [continuing]. Food for starving people. That was what we're worried about. It wasn't a military blockade, it was a total blockade.

Mr. ADAIR. And as you know, Turkey recently has opened an air corridor into Armenia and they are talking, both with Armenia and with others, about how the land border can be opened, and we think that's possible to do. It's not a black and white situation. It's extremely complex with regard to politics in Turkey and in Azerbaijan and in Armenia, but we do think that they are trying to make progress. We do think there has been some progress.

With regard to Cyprus, we all agree that this is a tragic situation and we have stated over and over again that we believe that the current situation in Cyprus is unacceptable. But we also believe that it's wrong to place all of the blame on Turkey. This is, again, a very complex situation in which two communities on Cyprus have long, particularly since the early 1960's, have a great difficulty working together.

And in the U.N. efforts to try and mediate that conflict, Turkey has played a constructive role. It hasn't turned the key to solve it, but then I would submit that Turkey doesn't really have the key to solve it. There are lots of issues that have to be dealt with, and essentially, it has to be worked out by the parties themselves.

Mr. PORTER. Our great fear is that 15 years from now, your successor and mine will be sitting at the same table and will say it's 36 years, but they've been trying to be helpful. I think 21 years is a long time. I think recognition of a regime, the only country in the world that recognizes the Turkish regime is Turkey, is not a positive development, nor shows a willingness to be forthcoming in the negotiations.

You can sit there and say, "We see these little things that they've done that are helpful." We're nowhere on this. We're nowhere and we're 21 years out and nowhere.

Mr. ADAIR. Well, I'm not trying to just point out the little things that the people are doing to be helpful, but I agree with you. I hope that 15 years from now, there isn't anybody sitting in this room having to discuss this particular situation. On the other hand, we have been fortunate that people have not been killed constantly on the island of Cyprus over the last 20 years.

That is something to be grateful for and we certainly would not want to see this situation to move back into that kind of a situation. I believe that we can make progress here, but I agree 100 percent with you that it's really frustrating about the pace of it.

Now, you asked me to specifically deal with the issue of the European community and the Customs Union. We have strongly supported Turkey's efforts to have a Customs Union with the European Union. The reason is that we believe that it's very important to strengthen Turkey's structural ties to Europe and to the West and this is the most immediate attainable step that can be taken.

We have reasons for doing that that are strategic, that we were talking about earlier before you came, that you're well aware of. We also believe that by strengthening those structural ties to the West, that will have an effect on the situation within Turkey on Turkish democracy and on the Turkish economy, which overall will promote change and reform in Turkey.

Now, there's no question that the European Union, which has to make the decision and actually progress with this and certainly has the right to say, "We want you, Turkey, to fulfill certain conditions

before you establish these structural ties," and they have done that and they've made clear the things that they believe that Turkey has to do, and, I would submit, that over the last several months in particular, the government of Turkey has been working very hard to make some of the changes that would respond to those demands.

Mr. PORTER. Could I ask you to address why the United States policy is not the same as the European policy? They are, after all, our allies and people that we find do share our values. Why are we supporting their entry and the European community is saying, "Wait, you're going to have to do these things in order to meet our values and then we'll admit you," and the United States is saying, "No, no, admit them anyway and maybe they'll do those things to support your values." Why is our policy different than our allies' policy?

Mr. ADAIR. Let me just answer 1 second and then I'll turn it over. Our policy is not different from the policy of the European Union. The European Union has already voted to create this Turkish Customs Union. What is remaining is a vote in the European parliament to ratify that decision.

Mr. PORTER. Yes, but most people think that won't occur until some progress is made.

Mr. ADAIR. Well—

Mr. PORTER. In other words, the European parliament certainly is not buying our line.

Mr. ADAIR. OK, but you said our position was different from the Europeans. It's not, but we do believe that the completion of this Customs Union would, in effect, encourage more reform. And you can also make the argument that the rejection of this Customs Union would make it far more difficult for those in Turkey that want to continue these reforms because it would stir up some of the worst sentiments that exist there, sentiments of nationalism, fundamentalism, and things like that. So it works both ways and it's by no means a simple issue.

Mr. SHATTUCK. Let me just add to that, Mr. Porter, because I think it's very important to understand that, like the European Union, we are stressing areas where we expect to see progress, particularly in the areas of freedom of expression and Article 8, which I know we've discussed. We don't need to get into it in any more depth here, but we know that the European Union has made those issues very clear with respect to the whole matter of the Customs Union, and we have done the same.

It is between the European Union or the European parliament and Turkey, ultimately, as to how this vote is going to take place. But as far as the United States taking a different position, if you will, the implication being that we do not see the importance of the freedom of expression progress, that is simply not the case. We've made very public and repeated points to that effect, and have certainly had discussions with the Turkish government on that.

Mr. PORTER. John, again, I'm not critical of our efforts. I'm critical of our policy. One looking at this whole thing from outside would almost say, "How can Turkey get the United States to do these things? They must be blackmailing them or something," be-

cause the policies that we follow have no relationship to the values of our country.

And yet, we have Richard Holbrooke telling us, "No, no, we're going to support the Turkish entry into the Economic Union with Europe and we're going to hope that there's some change as a result of that," instead of just the opposite by saying, "Turkey, here's what we expect of you. Do this, this, this, and this and then you'll have our support for it."

It's just amazing to me that our policy is backward. What we really ought to do is cut off any funds for following such a policy and that might really send the right message. Thank you both very much.

Mr. SMITH. Mr. Porter, thank you and I want to thank our panel, Secretary Shattuck and Mr. Adair, for your testimony. Both Mr. Hoyer and I have additional questions. We will give you those in writing and ask you to respond in a timely fashion. Thank you very much for your patience. It's been a long hearing.

Mr. SHATTUCK. Thank you very much.

Mr. SMITH. Thank you. I invite our second panel to the witness table. Alan Makovsky is a senior fellow at the Washington Institute for Near East Policy. He served in the U.S. Department of State where he focusedg primarily on the Middle East and Turkey. His assignments include Southern Europe division chief, political advisor to Operation Provide Comfort, special advisor to the Special Middle East coordinator and analyst for Aegean Affairs.

Christopher Panico is a research associate at Human Rights Watch/Helsinki, with primary responsibility for monitoring compliance with the Helsinki Final Act in Turkey and the former Soviet Union. He has conducted fact-finding missions to Turkey and Central Asia, documented various human rights issues and abuses, and published articles and reports on the situation of the Kurds in Turkey. Mr. Makovsky, you may begin.

STATEMENT OF ALAN MAKOVSKY

MR. MAKOVSKY. Let me say first what an honor it is, Mr. Chairman, for me to testify before this body. During my many years as an official in the State Department, I admired the unique and often creative focus of the Helsinki Commission, and maintained an excellent relationship with Helsinki staff, which has continued. I'm very pleased and flattered to be here.

The focus of my remarks will be somewhat different than those on the first panel. I've been asked to make some overview remarks and to confine my remarks to seven to 10 minutes and I'll try to do those things. The title of this panel is "Turkey–United States Relations: Potential and Peril." Preliminarily it should be said, as you've heard from the first speakers this morning, that Turkey is a long-standing friend of the United States and a NATO ally, and by far, the most democratic country in the Islamic world—unfortunately there's not a lot of competition there—and a state firmly committed to secularism.

Let me also say, based on a recent trip to Ankara, that I believe that the tone of U.S.–Turkish relations, at least on a state-to-state level, is at a high point for recent decades. Turkish officials readily talk publicly and positively about U.S. friendship and world leader-

ship in a way that the arms embargo of the mid—1970's had long made politically unacceptable in Turkey.

On foreign policy, Turkey's primary concerns are its neighbors, and its worries about Russia, Syria, Iran, and northern Iraq, in particular, match and at times go beyond U.S. views, in some cases diverging from them. Three of Turkey's neighbors are on the State Department list of state sponsors of terrorism.

Another point I should add is that Ankara is placing great hope on its newly-growing relations with Israel, relations which have really blossomed in the wake of the 1993 Oslo Agreement between Israel and the PLO. I know some of these issues came up just moments ago in Q&A on the first panel. I'd be happy to address any of those issues in our Q&A, as time allows.

Clearly, the most important "peril," to use the word from the title, that Turkey faces is its future stability. This appears assured in the near term, but Turkey must win the ongoing challenges of the threats of Islamic fundamentalism and terrorism, particularly from the PKK, and the need for democratic reform.

In this regard, I'd like to make just a couple of observations about domestic politics. First, the secularist mainstream in Turkish politics, about 80 percent of the public, to judge from last year's nationwide local elections as well as from ongoing poll results, remains very concerned about the rise in public support for the pro-Islamist Welfare Party, or Refah Party as it's called in Turkish.

Indeed, it should be noted that Refah's share of the vote total has increased in every Turkish election since the return to civilian rule in 1983. There are various explanations for Refah's persistent position at or near the top of the polls, and I heard several during my trip. Some see it as a rejection of the corruption of many secularist politicians; others say that the de-ideologization of the left in Turkey, in other words, particularly the willingness of the moderate left to serve as a junior partner in a government led by the right, has established the Refah Party as the only party demonstrating clear sympathy for the downtrodden and impoverished and thus, the only vehicle of protest for the poor.

Nevertheless, it is clear that Turkish politicians apparently believe that there is a revival of traditional religious values in Turkey that could also explain the sustained popularity of the Islamists. There's much evidence of this revival of traditional religious values.

Again, we could go into that in the Q&A. Several secular Turkish politicians, including Mrs. Ciller, have recognized this trend. For example, they have held publicized meetings with a liberal, avowedly pro-democracy religious leader in an effort to channel religious sentiment in a positive direction, as well as to affirm their own religious credentials with the populace. After signing the Customs Union Agreement with the EU on March 6th of this year, Ciller reassured the Nation that the agreement would not lead to the undermining of traditional Turkish values.

Obviously, that she issued such a reassurance demonstrates her sense that traditional values are of continuing importance to the Turkish nation and apparently growing in importance. Most of the secularist parties have indicated that they will enter a coalition with the Refah Party after the next national elections, which must be held by fall 1996. That is positive.

But ongoing disputes on both the right side and the left side of the Turkish political spectrum will no doubt make coalition formation very difficult, as it traditionally has been in Turkish politics. A one-party majority is an extremely rare thing in Turkish politics, almost as rare as it is in Israel, as a matter of fact.

The challenge will be for secularist parties to overcome their differences and coalesce to assure an all-secularist government. I think that process will have to be very closely watched. One should note that a predecessor party to Refah did take part in three different governments during the 1970's.

Turkish leaders emphasize that the pro-Islamist and anti-Western forces will be the big winners if Turkish accession to the Customs Union with the EU is not ratified by the European Parliament. It is true that making that argument simply makes good tactical sense from the Turkish point of view, particularly with Europeans increasingly concerned about Islamic fundamentalism. Still, the argument is advanced sincerely, I believe, and more important, it is probably accurate.

If Turkey is rejected from the Customs Union, those like Refah who have opposed Turkish integration with the West and have said that the West will never accept a Muslim state, ipso facto, simply because it is a majority- Muslim state, they will have acquired a very powerful new talking point.

Second, a word about human rights, specifically Article 8 of the anti-terrorism law and related public attitudes. The repeal of the now famous Article 8 about which we've heard so much in the first panel, which prohibits, to quote, and I believe this is an accurate quote, "propaganda that threatens the indivisible unity of the state," was a centerpiece of the human rights program proposed earlier this year by the Ciller government.

Sensing that there would be difficulty with repeal, Turkish government officials are now saying that they will try to modify rather than repeal Article 8. It now appears—at least I picked this up from soundings during my recent trip—that the Turkish leadership is concerned that it will be unable to take the desired action before the end of this year, that is, not before the currently planned time of the European parliament vote on Turkish Customs Union.

Most observers believe that Turkish action on Article 8 is crucial to European Parliamentary approval of the Customs Union. The good intentions of the Ciller government on this issue cannot be doubted. The government fought considerable opposition before finally passing a package of 17 constitutional amendments in July, as referred to by Assistant Secretary Shattuck. The vote total in parliament, ultimately lopsided, did not reveal just how difficult a political struggle it was.

Rather, the apparent difficulty on Article 8 illustrates the degree of polarization currently in Turkey over PKK terrorism and the Kurdish issue. Many Turkish politicians feel that Article 8 is an important instrument, either substantively or symbolically or both, in the struggle against terrorism. Moreover, they feel its repeal or circumscription would project weakness and further embolden the PKK.

They cite, for example, Turkish reforms on the Kurdish issue in 1991, which in fact were followed by an increase in PKK activity.

One Turkish opposition leader frames the question thus, and it's resonated very much in the Turkish body politic. He asks, "How can Turkey change Article 8 and thereby abet terrorism at the same time it is sending its sons off to die in the southeast?"

As I said, much of the Turkish public is responsive to that point of view, and the emotional dimension of this issue shows the difficult task ahead of Prime Minister Ciller and her government in fulfilling their pledge to alter Article 8 in a meaningful way that allows for full freedom of expression.

This polarization is obvious in other ways. Certain seemingly dispassionate phrases and phrases that were used just a few years ago in Turkey, 3 years ago—such as "the Kurdish problem" or "political solution" or "Kurdish minority"—are often heard by Turks as synonyms for separatism. This, of course, mystifies many outsiders, but this is the way these phrases are heard among many Turks.

A recent Turkish Chamber of Commerce study about the Kurds was more heatedly debated for the motive of the author than for the content of the study's findings, although there was some debate as well over the content of the study's findings, and that's positive.

Despite this passion and polarization, I believe there are grounds for optimism about Turkey's political evolution. The Turkey of the 1990's is a far more open democracy than ever before. The taboo on discussing the particular concerns of what the Turkish press and politicians call "Turkish citizens of Kurdish origin," indeed, the taboo on the use of the word "Kurd" has ended for good in Turkey. That taboo persisted almost from the beginning of the Turkish Republic in 1923, until President Turgut Özal and then Prime Minister, now President, Suleyman Demirel broke the ice in 1991 by formally acknowledging the existence of Kurds in Turkey.

Of course, as we all know, Ankara is still dealing with the implications of Demirel's December 1991 declaration that Turkey "recognizes the Kurdish reality." And, of course, it is important that Turkey work its way through those implications. As Turkey makes its difficult transitions through democratic reform, I think all people of good will should remember that Turkey is a loyal friend and ally of this country and that it deserves our full support during this difficult process and, at a minimum, in the battle against terrorism and in defense of its territorial integrity. Thank you, Mr. Chairman.

Mr. SMITH. Thank you, Mr. Makovsky. Mr. Panico.

STATEMENT OF CHRISTOPHER PANICO

Mr. PANICO. Thank you very much. I'd just like to thank the commission for inviting Human Rights Watch, Helsinki. We've appeared before and we cherish the forum that you provide and respect the work of the commissioners and the staff. I would just like to summarize my written testimony, which has been submitted, for the sake of time.

Looking at Turkey, I think there are multiple realities that I'd like to address. What Ambassador Shattuck said, I think to a certain extent, is true in some areas, both geographically and in terms of venue. There is a lively press; people discuss topics; there are new talk shows; people criticize the government, and I think that's

what Prime Minister Ciller refers to as a minimum democracy in a speech in June.

But the problem is that there are serious obstacles to get beyond that point. In certain areas, especially in southeastern Turkey and especially with respect to Kurds, there's not even that minimum respect for democracy. Something that has really shaken the United States and influenced our policy is the whole Turkish counterinsurgency campaign in southeastern Turkey that's been directed against the PKK.

In research I've done, in research other people from Human Rights Watch have done, and research that the U.S. Government has done in the State Department report, in comments by Turkish politicians, it seems quite clear that in a majority of cases, the forced evacuations and the burning are conducted as a campaign by the Turkish government.

Recently, one area of Turkey, Tunceli province, has been especially affected by these evacuations. The junior partner in the ruling coalition in Turkey, the CHP, or the People's Republican Party, has had to have kind of a party meeting to discuss what will we do, this is happening, because the deputies from that region are from this party.

Also, Article 8 is still a serious problem and when you hear words like, "Well, Article 8, it defends terrorists," it's strange because of certain people who are charged under it—people like Mehmet Ali Birand, whom I think one of the commissioners mentioned, is the Turkish equivalent of Dan Rather—or people like Yasar Kemal. The charging under Article 8 of Yasar Kemal, the most famous of all Turkish writers, is like charging Ernest Hemingway in 1955 at the height. I mean, it's just something that affects everyone. It's not limited to one or the other.

As far as I know, there are 2,000 cases presently before state security courts and about 150 people are in prison under Article 8 for non-violent expression. Also, in terms of political activity, what are known in Turkish as actor unknown murders occur with great frequency. Over the past 3 years, there have been 1,200 and that strikes human rights activists, suspected PKK members, Kurdish politicians, especially from the banned DEP party, and the continuation of that party called HADEP. It's been a serious problem. And also, in terms of the PKK, the PKK has continued over these years to abuse human rights and to violate the rules of war.

I'd just like to address, after kind of giving a lay of the land, the constitutional amendments. Certain of the constitutional amendments are good, and they do address certain real issues like allowing trade unions to participate, allowing professors and students to join political parties. But having said that, they are not a solution, and if they are put forth as a solution to Turkish human rights violations, it's incorrect.

One very good example of that is Article 84. Article 84 allows for the banning of political parties. Under the old Article 84, if any member of a party made a statement and the party was banned, all the deputies would lose their immunity. That is one of the articles that was recently amended. Under the new amended article, only the person who made the statement for which the party is banned loses his immunity.

The Democracy Party deputies, five of whom are presently in jail, applied to the Turkish Constitutional Court after Article 84 had been amended, but the court rejected this petition. The Democracy Party Deputies lost their immunity and the party was closed under the old Article 84 for statements the leader of the party made. I haven't seen the finding, I don't know what the constitutional arguments were under which it was rejected, but that would have been one, if the constitutional amendments, however praise-worthy some of them might be, if they were truly addressed to these issues, they would have been freed under the amended Article 84. That did not happen.

Also, Article 8, which Prime Minister Ciller has vowed to change, still exists, and more importantly, the articles in the Turkish constitution, Article 13 and 14, which Prime Minister Ciller also vowed to amend, still exists. Those articles basically broadly limit the freedoms of the constitution in order to defend the territorial integrity of the Nation.

Now, there are some steps that have been taken and I'd like to discuss some of those and to see how those steps make any change. There have been some very brave statements by the Turkish human rights minister and the Turkish justice minister. They criticized human rights violations, criticized extrajudicial killings, criticized torture, but the problem, and this is extremely important, is that almost all of those signals have been counter-balanced by negative statements by people either in the police or the security forces.

The head of police in Istanbul openly criticized the human rights minister for criticizing abuses, human rights abuses. This is again where there's multiple realities. It was debated in the Turkish press, people criticized the chief of police of Istanbul, but when it came right down to it, he wasn't punished. He's a civil servant and the human rights minister is a member of Parliament and a part of the government, and it even was a violation, I believe, I'm not sure, of Turkish law for a civil servant to criticize this.

Deputy Secretary Shattuck addressed the—

Mr. HOYER. Mr. Panico, can I just interrupt, please?

Mr. PANICO. Sure.

Mr. HOYER. It seems to me that's not unusual in the United States. I'm not sure what you're arguing for. The Los Angeles police chief thought the Human Rights Commission in Los Angeles was wacko and was wrong in the King case in particular, but also in other cases. I'm not sure I get your point.

Mr. PANICO. Well, I think the difference is that the power of the police is different in the United States than in Turkey.

Mr. HOYER. We have absolutely very evil human beings in the police departments, i.e., Mark Fuhrman, in the United States. Now, we don't tolerate that as a national policy. What I'm trying to get at is, what's the distinction you're drawing? A police chief is criticized by human rights organizations, and every police chief in America responds.

Mr. PANICO. I'm sorry. It was the opposite. The Human Rights Commissioner made some very brave statements on human rights and the police chief attacked him for making those.

Mr. HOYER. It's not the opposite. That's exactly it. I understand that.

Mr. PANICO. Oh, I'm sorry.

Mr. HOYER. And to his credit, the Human Rights Commissioner did that in an environment that I think is much different in the United States, but then your point was, the police chief criticized him. My experience has been that that is not an unusual happenstance in the United States where police chiefs feel that human rights groups are tough on their police officers. That's my only point.

Mr. PANICO. Right. I'm sorry, I misunderstood. I think the difference is that the police chief is a civil servant and this man is a government minister. He's not an NGO or a group like that. And the other difference, I think, is that Mark Fuhrman hasn't been alleged to have been involved in extrajudicial killings. The police in Turkey have been alleged to have been involved in some extrajudicial killings.

Mr. HOYER. I apologize.

Mr. PANICO. I don't know if that has addressed that.

Mr. HOYER. I perhaps clouded the situation by bringing up Mr. Fuhrman's name, but—

Mr. PANICO. In other areas, the prime minister has issued memorandums very critical of torture in Turkey. She issued one earlier this year, and she issued one in March, but it appeared that she issued those under threat from the European Committee to Prevent Torture to make public a report that they had written.

Now, in December 1992, the committee did the same thing. They went to Turkey and they issued a public report. Now, this is important because the committee's findings are always confidential and should never be made public, but I think the European Committee to Prevent Torture found the situation in Turkey so bad that they felt they needed to make that report public.

I understand that the reason why the prime minister felt forced to make those statements, which were fairly powerful statements, is that the committee also threatened or said, "If you don't take serious action, we will make the report public again."

I'd just like to close by giving some figures. There seems to have been a drop in some human rights abuses from 1994 to 1995. Using the same source, which is the Turkish Human Rights Foundation, a respected and legal group in Turkey, in 1994, they list 423 death squad killings and in 1995, they have 98 as of July 30th.

In deaths in police detention, in 1994 there were 34, and up to July 31st of this year, there were five. And in disappearances in police custody or under suspicious circumstances, in 1994 they list 55, and up to July 31st, they list 16. Now, they are significant drops and I'd like to try to address why those drops have occurred.

First, the past 3 years were an all-time high. In the past 3 years, there were approximately 1,200 death squad killings in Turkey. Two or three years ago in the Kurdish areas of southeastern Turkey, you had much more open political life, you had open illegal political actions, you had much more human rights monitors and monitoring. Villages that have now been de-populated were there. You had an intifada in the early 1990's, you had intifada-type cam-

paigns by the PKK. All those targets are gone, all those people are gone. I think the number of targets has been reduced.

There have been some government actions. Over the past 2 years, 66 members of an extremist Islamic group called Hezbullah that has been indicted in death squad killings were arrested, and they have been indicted in 77 killings. Now, that is a welcome arrest, but the problem is that a Turkish parliamentary report on death squad killings that was issued in April 1995 specifically said that some of the security services have a role in Hezbullah and have a role with groups that carry out these death squad-style killings.

As far as I know, there has not been any further attempt to investigate that police Hezbullah death squad connection. We also have had certain allegations like that. And then I think Western pressure has helped to a certain degree, as in the case that I stated about the prime minister's issuing a harsh statement against torture which seems to have come from pressure from the European Committee to Prevent Torture. Thank you.

Mr. SMITH. Thank you for your testimony. I will ask a few opening questions. Mr. Panico, how many political prisoners do you estimate are in the jails in Turkey?

Mr. PANICO. I would estimate—and this is only those who are charged under Article 8 for non-violent expression—I would say between 120 and 160.

Mr. SMITH. Are there others charged for other reasons in the prisons of Turkey, or is that the primary offense?

Mr. PANICO. For clear-cut cases of non-violent expression, I would say, as far as I know, those are the cases that I am best aware of, Article 8, non-violent expression, between 120 and 160 cases. There are others that I have not researched as well.

Mr. SMITH. Has Human Rights Watch documented, or have you documented, the use of U.S.-supplied military equipment in actions against civilians?

Mr. PANICO. Yes, we have. I documented cases last year, and a group that went to Turkey this year, that initially went to look at the displaced, found a pattern of such abuses and started to do research on that. On the most basic level, in village evacuations, Turkish troops ride to those evacuations in U.S. trucks, in U.S.-supplied armored personnel carriers, and command and control over the operations is carried out in U.S.-supplied helicopters. That's on a basic level.

On other levels, there have been indiscriminate fire incidents, killings, shootings.

Mr. SMITH. I'd asked the previous panel what the response from the U.S. Government has been or will be. I'm not sure I got much of an answer other than the fact that they chronicle as much of this information as possible and then raise it with the Turkish officials. As Mr. Porter indicated earlier, there are some of us in Congress who believe that legislative action needs to be more direct. I offered the Humanitarian Aid Corridors Act language to the authorizing bill; Mr. Porter offered that and a very modest, but significant, cutting amendment for Turkish aid to the appropriations bill.

My question is, what do you think the U.S. Government response should be when evidence is shown in a way that is very clear, compelling, and unmistakable, that U.S. materiel has been used in one or many of these operations? Do you support congressional actions like what Mr. Porter, I, and others have attempted to do?

Mr. PANICO. Well, I think that this is in U.S. Law 907[b] which says one should cut off weapons supplies to habitual abusers of human rights unless they document—unless the president documents why that should not be the case, and we've called for that in reports.

I'd just like to add one thing. Secretary Shattuck's report was welcome and I think it is true that Secretary Shattuck, over the past years, has been very vocal and it has been referred to in open public statements, but in preparing that report, they themselves admit that they didn't have access to these areas over a long period of time, especially over the period of time when most of these evacuations were being carried out from early 1993 into 1994. So I think that also kind of—

Mr. SMITH. Do you know if we requested access?

Mr. PANICO. I am not aware of that. I don't know whether we did or not.

Mr. HOYER. Mr. Panico, I would ask you to provide for the record, if you have it, the comparative statistics that you referenced. A dramatic drop in some of the indexes, but you indicated that the previous 3 years were highs. Do we have statistics that pre-date that? In other words, what you're saying is that there was a relatively level number, a spike up, and now back down to what would otherwise be average numbers clearly indicating a continuing presence of human rights abuses, notwithstanding the fact that there has been a reduction in the spike. Do you have statistics?

Mr. PANICO. Yes. They're somewhere in the record and I would be happy to provide more. I think your comment was correct. From 1978 to 1980, these abuses were high; they were high for about three or 4 years after the military took power. In the mid-'80's, they kind of leveled out and went down. And then around 1991 or 1992, they started to skyrocket. In 1994, they hit a high, and now they seem to be going down again. But we could provide those figures.

Mr. HOYER. And your point is that there's no reason for us to take solace in that—

Mr. PANICO. Not at all.

Mr. HOYER [continuing]. Because essentially we're remaining at what were average levels, notwithstanding a horrendously high level for two or 3 years?

Mr. PANICO. I would say above average levels now, yes. Certainly above average levels.

Mr. HOYER. All right. And then I catch the important points so we don't draw an inference that perhaps it's not valid. Let me say, in terms of both your statements, I appreciated your statements. I think they were balanced. I think what I hear both of you saying is there's been some progress; that Mr. Makovsky indicates that his perspective is that the prime minister's intentions are positive, but in my own opinion I'm not sure how much influence the prime minister has. But that aside, obviously it's a positive.

Mr. PANICO. She has a tough political struggle.

Mr. HOYER. That's true and we all understand the situation there and we're hopefully going to help by putting extrinsic pressure on to assist.

Mr. SMITH. Mr. Makovsky, did you want to comment?

Mr. MAKOVSKY. Mr. Chairman, I just wanted to make a remark on your question, the previous question about Congressional legislation. You asked about the efficacy and the value of that, and I think certainly Congressional action, raising the issue in forums like this, I think, are very effective. Turkey can take the criticism in the right spirit. Indeed, there are a lot of Turkish officials who criticize their own human rights record.

As for punitive measures by Congress—just speaking analytically—I think the record shows that Turkey has not been very responsive to that type of pressure. Now, people may want to use this approach for whatever reasons, but as a way of affecting Turkish behavior, I think the record probably shows they're not very effective.

Mr. HOYER. Will you yield, Mr. Chairman, on that?

Mr. SMITH. Sure.

Mr. HOYER. You know, Jackson-Vanik, of course, was discussed for long periods of time. I visited the Soviet Union probably two or three times a year for a period of about six or 7 years, or accepted visits from them, and I had people tell me that they didn't think Jackson-Vanik was particularly useful, it wasn't much of a trade. They were internally, or within the Warsaw Pact bloc, Soviet bloc on trade. They really didn't care much about it.

Never once did I either go to the Soviet Union or have them come here that they didn't talk to me about it. And so, whatever practical effect it had in terms of impacting on trade, and I happen to believe it had a great psychological impact on the Soviet Union, in terms of a statement that we were not going to do business as usual with people that we perceived violated basic principles to which they had agreed, i.e., Jackson-Vanik, of course, pre-dated—about contemporary with the Helsinki Final Act, but in terms of U.N. documents.

So I understand what you're saying about Turkish response. Frankly, there comes a time when whatever the response is, the leader, the moral leader of the free world and we are an imperfect moral leader, I understand that, but we nevertheless are that leader, and to the extent we compromise on our principles, the rest of the world will feel comfortable in compromising on theirs and, in fact, most of the world is much more likely, even as I said earlier, by economic and military considerations, to compromise those principles.

Mr. MAKOVSKY. Analytically, I don't think we have a disagreement. I was just talking about the past record of such efforts—

Mr. HOYER. I thank you for—

Mr. MAKOVSKY [continuing].—Regarding Turkey.

Mr. HOYER. I understand.

Mr. PANICO. I'm also a strong supporter of Jackson-Vanik.

Mr. SMITH. Just so the record is very clear, I think the Congress is really much more serious about this issue than ever before. I know that it seemed to be a coin toss on the Humanitarian Aid

Corridor Act in terms of whether or not it would pass when I first offered it, and after a very robust debate in committee, it passed overwhelmingly.

The same goes for Mr. Porter's efforts on reducing some of the economic aid. There was a very protracted debate, as there ought to have been. When push came to shove, I think Congress is beginning to say in a more serious way—and I hope it is not lost on the Turkish officials—that we only have scarce resources and we are going to divvy up the pie, the remaining moneys, in the most prudent way possible. If there are human rights problems in this country or that country, we are going to limit and condition that aid much more precisely than we have in the past. Mr. Porter?

Mr. PORTER. Very briefly, Mr. Chairman. Let me thank both the gentlemen for their very good statements and balanced statements. My understanding is that in the 1920's, Ataturk created a Turkey that was not only intended to be and became a more secular state with the importance of religion downgraded, but also fairly repressive, in fact, very repressive of minorities to try to create a closer nation.

Now the attitude seems to be changing toward religion, and I understand the Muslim religion can be taught in schools, for example, over the last decade or so, and Mr. Panico seemed to say that there's evidences within Turkish society of changes toward minorities, also, at least the Kurdish minority.

I want to see in this some positive signs of changes away from the monolith that was intended to be created and maybe the chance for Turkey to be more forthcoming. Yesterday, the PKK indicated that they would cease-fire and seek to negotiate if the Turks would do the same. Is this the time when we can expect Turkey to be forthcoming on such an offer? It was not taken up in 1993 when they had a cease-fire for almost 3 months.

Perhaps we can hope that there might be the same kind of situation developing between the PKK and the Turkish government as is developing in Northern Ireland where the IRA and the Protestant forces have laid down their arms for some time now and get on with some negotiations there. Is there any hope for that?

Mr. PANICO. Let me focus on the 1995 and 1993 aspects of your question instead of the 1920's part. My understanding of the 1993 cease-fire effort is somewhat different than yours. Actually that was, I think, a fairly creative attempt and a difficult and secret attempt behind the scenes to try to work something out between the Turkish government and their PKK nemesis. I think it broke down maybe not completely at the fault of the leadership of either of the two main parties that were trying to work it. It did break down with a Kurdish terrorist action, however, directed against unarmed Turkish soldiers, of whom approximately three dozen were killed.

As for 1995, if the PKK has made this offer you mention, and they have made some offers like that in the past, my sense is this: A cease-fire would be excellent and, if lasting, would indeed contribute to a better environment in which progress could be made toward a solution, and I think the Turkish government should be generous if the PKK is indeed about to lay down arms and accept an enduring ceasefire. If so, the Turkish government should be generous on the issue of Kurdish reform. And I think we would

have the right to expect that, since the Turkish government has said repeatedly over the years that the persistence of terrorism is the major obstacle to reform.

If, however, we're talking about the Turkish government actually negotiating a solution with the PKK, then as an analyst, my judgment is the PKK, as a terrorist group, is simply too far beyond the pale right now to be Turkey's main interlocutor on this issue. I think too much blood has been shed. That's my sense. I recognize some people would say, "Well, Israel used to feel that way about the PLO." But it took years for that situation to evolve, and the PLO was a far more politically mature organization.

My sense is that the PKK should not be seen as the major interlocutor for the Kurds. I think the PKK should cease fire, for its own sake—for the sake of peace—and step aside and let legitimate democratic processes take place.

Mr. PORTER. Although it's obviously quite different because the United States played a role of Great Britain and tried to be the focal point where we could bring the two sides to us, perhaps together, and stop at least the violence on an ongoing basis?

Mr. MAKOVSKY. You mean whether the United States should try to do the same with the Turks and the Kurds?

Mr. PORTER. Yes, whether we can be a peace broker in this situation.

Mr. MAKOVSKY. I don't think it would be effective or appropriate for us to try to open links to the PKK and try to broker this. Better, I think, is the way we dealt with the PLO issue, where we took the attitude that we couldn't and shouldn't push the Israelis to deal with the PLO. The PKK is a terrorist group, and it's inappropriate for us to push an ally to deal with it.

Mr. PORTER. That's a little far from our mandate. I would just add that both groups, regardless of the Turkish government's security force and the PKK, regardless of statements they make, have continued, through the conflict, pretty habitually, violate human rights, but as to the political issue, that's beyond our mandate.

Somehow we have to begin this by stopping the violence and if we have one side agreeing to stopping the violence if the other side will, it seems to me every one of us, I don't care what roles we have, ought to do everything we can to bring about stopping violence on both sides. Then at least we have a better situation for negotiations of some type to take place.

Mr. MAKOVSKY. I do think an end to the violence would be an important step forward, and I think we should urge that the PKK, simply for the sake of not pursuing political change through violent means, end its armed attacks.

Mr. PORTER. But they have to have some hope that political change can come through some other means. If there's no hope that there's ever going to be any change through other means, what is left of them?

Mr. MAKOVSKY. Once the violence ends, I think reform is very possible, and it should be encouraged. The Turkish government has not said that reform on the Kurdish issue is undesirable, but it has been taking the position that there will be no further reform until the war against terrorism is won. I talked about Article 8 and the way the opposition has framed the issue, very much in terms of no

reform while violence continues. We saw some real political breakthroughs in Turkey on the Kurdish issue in 1991, 1992; then there was a flare-up of violence for several years, and reform essentially stopped.

I think the PKK should lay down its arms—and at this point, frankly, the violence is mainly hurting the Kurdish citizens of Turkey. The violence does not benefit the cause of expanding Kurdish rights. Maybe the PKK gets some satisfaction out of the fact that it puts Turkey in a vulnerable political position with the West when they fight back against the PKK using extraordinary and excessive means. But the real victims of this violence are people who live in the southeast of Turkey, who inevitably get squeezed between the two sides in the cycle of violence and counter-attacks. That's what PKK violence does.

Mr. PORTER. But this is the same cart and horse problem we were talking about a minute ago. How do we leverage this into getting something actually accomplished? And if we put all of the burden on the one side and none on the other, it seems to me it's time to leverage the Turkish government to be forthcoming.

If people who feel they are being—their rights are being so violated that they have to fight back with violence are willing to say, "OK, we're going to stop our only means if you'll be just a little forthcoming and find a way," it seems to me all of us ought to be pressuring the Turkish government to be as forthcoming as absolutely possible in order to make some progress on this. Otherwise, there's only violence, isn't there? Thank you.

Mr. HOYER. Mr. Chairman, I would like to make an observation before you close the hearing. I know we're past time. It is important, however. Mr. Porter and I agree on much of the approach of this Commission and the objectives that we seek. But I feel constrained to point out that it's very important that this Commission make it clear, and my own personal position, that I am viscerally opposed to the premise, outside of the ambit of self-defense, that terrorism is an acceptable alternative.

I don't think Mr. Porter argues for that; I want to make that clear. But it's important that our Commission make it clear. Those associated with the PKK, as those associated with the IRA, as those associated with other democratic movements, in one sense, that employ terrorist behavior, terrorist activity—the consequences of which, as you point out, in my opinion are dire, in most instances, to the majority of people allegedly for whom the terrorism is carried out—need to be aware of the fact that this is unacceptable behavior.

In point of fact, I think one of the things we've learned throughout the Helsinki process behind the Iron Curtain was that a relatively small number of people can make a compelling case in a peaceful manner, many of whom were incarcerated for long periods of time. But the moral power of their incarceration was more powerful than the blowing up of a bridge or the blowing up of a train or the maiming and killing of innocent civilians, whether they be Kurds or any other ethnic majority or minority.

I want to make it clear that I believe that some of the terrorism that the PKK has sanctioned, perhaps not sanctioned, but has somehow given a cover for, is totally, absolutely unacceptable, and,

very frankly, I think it hurts the case of the Kurds, not helps it. I think it gives a rationality for Turkish military action, where military leaders say, "We have no option but to respond in this way because we are under assault."

It has historically been, and continues to be, the purpose of the Commission not, for instance, to argue except in clearly identified instances, Bosnia-Herzegovina being one, where the international community has recognized a state, but the Helsinki Commission is not about the political objective of sanctioning the creation of new states out of existing states.

Self-determination is one of the most complicated issues with which the Helsinki Commission has to deal with.

Having said that, John, you and I agree, I know we're not disagreeing, but I just want to make it clear that I have sympathy with a Turkish government that wants to defend its own integrity. Every government in the world wants to do that. What I have zero sympathy for is adopting the tactics of the terrorists to do so. That is as self-defeating as the terrorist acts themselves. Thank you, Mr. Chairman.

Mr. SMITH. Thank you, Mr. Hoyer. Mr. Makovsky and Mr. Panico, thank you for your testimony. I have, and I think my other fellow commissioners have other questions as well that we'd like to submit to you for the record and I ask you to respond as quickly as possible.

Mr. MAKOVSKY. I'd be delighted.

Mr. SMITH. This hearing is adjourned. Thank you.

[Whereupon, at 1:59 p.m., the Commission was adjourned.]

[Written inserts follow]

APPENDIX

HUMAN RGHTS AND DEMOCRACY IN TURKEY

Testimony of

John Shattuck

Assistant Secretary of State

Democracy, Human Rights and Labor

before the

Helsinki Commission

September 19, 1995

Mr. Chairman, I would like to thank you for the opportunity to be here with you today. Our relationship with Turkey is, as you know, of great significance and multi-faceted, and our engagement with Turkey on human rights and democracy issues is one of those dimensions. The picture is complex, dark in some places, with glimmerings of light in others.

As you know, Mr. Chairman, we have given a detailed assessment of the human rights situation in Turkey in our 1994 human rights report, and a more recent and comprehensive report was submitted to the Congress last spring on allegations of human rights abuses by the Turkish military, which discussed -- among other issues -- the end-uses of U.S. military equipment.

The Importance of U.S.-Turkish Relations

I will preface my comments on the current state of affairs of democracy and human rights in Turkey with a few observations regarding U.S.-Turkish relations overall.

As you know, Mr. Chairman, and as we stated in last spring's report, Turkey is a long-time friend and strategic ally that serves important U.S. interests in a vital, yet troubled region of the world. Geographically, economically, politically and culturally, Turkey stands at the crossroads of Europe, the Middle East and Central Asia. It is a democratic, secular Muslim country in a region with little in the way of democratic tradition, and facing increasing challenges from religious conservatism.

Turkey provides valuable support for U.S. policy in the region. As a committed member of NATO, Turkey strengthens Western defenses and extends the reach of the West into an unstable part of the world with critical oil resources. It participated on the side of the UN coalition in the Gulf War, continues to support Operation Provide Comfort and the enforcement of UN sanctions on Iraq, and has been a significant contributor to UNPROFOR and humanitarian assistance in Bosnia. Turkey has also made efforts to develop close cooperation with Israel in support of the Middle East Peace process.

Turkey's Terrorism Problem

Yet as we know, Mr. Chairman, all is not well in Turkey. One of Turkey's chief domestic problems, and the source of many significant human rights problems, is terrorism, both within its boundaries and against its people and institutions abroad, generated by the long-standing problem of Kurdish citizens in the southeast.

Something less than half of Turkey's 12-15 million Kurds live in the southeast. The rest live throughout Turkey, and are largely assimilated into Turkish society. Many occupy prominent positions in Turkish life; indeed, as many as 25% of Turkey's 450 parliamentarians are Kurds. According to recent research, many and perhaps even most Kurds are opposed to separatism, though they support increased political and cultural self-expression.

In 1984, the Kurdistan Workers' Party (PKK) began guerrilla warfare against Turkish security forces, with the stated aim of creating an independent Kurdistanin southeastern Turkey. Most of the southeast's Kurdish residents do not support terrorism. Some are sympathetic, however, because they believe the PKK is their only voice, and that it is responsible for bringing the Kurdish situation onto Turkey's domestic agenda.

Over the past 15 years, numerous Turkish diplomats and business people and thousands of ordinary citizens have been killed by several groups, mostly by the PKK, which has shown itself to be a terrorist organization

During the past two years the government of Turkey has launched a broad military campaign against the PKK. While these military operations have undoubtedly made areas of the southeast more secure from the PKK, they have come at a tremendous cost -- economic, social, and, above all, with regard to human rights. As stated in our report, the government of Turkey's reliance on a military strategy which includes the evacuation and destruction of many villages has resulted in major human rights abuses and risks alienating the local population.

Some government initiatives, such as the "village guard" quasi-militias, have exacerbated long-standing Kurdish internecine animosities and increased the difficulties facing inhabitants.

Near-exclusive reliance on the military approach has had some deleterious effects on Turkey's political culture. I would note in this connection that our report contained a section on "denial of Kurdish cultural rights" that detailed the restrictions that have been placed on Kurdish cultural and linguistic expression. Clearly, the Turkish government must deal with these problems in a constructive and forthcoming manner if the GOT is to succeed in enlisting the support of the local population against the PKK.

For these reasons, we believe a military solution alone cannot solve the fundamental problems of the southeast. A civil approach is imperative. Encouragingly, Turkish democracy is beginning to come to grips with the dilemmas posed by the imperative to defend its society against terrorism versus the imperative to preserve and enhance itssociety through protecting human rights.

Turkey's Human Rights Problems

At this point, Mr. Chairman, I would like to set out for you the chief human rights problems we see in Turkey today.

Village Evacuations and Burnings

In the course of the past year's operations against the PKK, the Government has engaged in a systematic process of evacuating and often burning villages throughout the southeast. The scale of the evacuations and their continuance suggests that they are part of the GOT military strategy designed to deprive the PKK of any logistical base in the southeast.

The total number of evacuated villages and hamlets is estimated to be about 2000, and over 2 million people are estimated to have left their homes. Village evacuations have been a significant contributing factor to this. The majority of evacuations have taken place over the last two years.

There is substantial anecdotal evidence that villages are often evacuated as reprisal when villagers refuse to participate in the village guard system. These evacuations have often been accompanied by burning or otherwise destroying homes, burning crops and forests, and killing livestock.

Evacuated villagers have been left with no homes and no livelihoods, the majority finding their way to the poorest neighborhoods of larger cities. In these cities they are left to their own devices to find shelter, food and protection for themselves and their families. Most often they move in with other family members or friends. In Diyarbakir, for instance, while the population has tripled over the past three years, the city's budget has not been supplemented enough to provide adequate services.

The majority of these displaced persons are traditional subsistence-level farmers who have no skills which are marketable in an urban environment. Moreover, the destruction of large areas of wooded land means that wood needed to build door and window frames in houses, fire the local ovens and provide fuels for heating has been destroyed. Deforested areas are, therefore, no longer habitable for subsistence-level farmers.

To date, Government of Turkey programs to deal with these internal migrants have been frankly inadequate. Only a few displaced villagers have been compensated, and there is no system in place for efficient compensation. Much 1994 aid promised by the government was not disbursed, in all likelihood due to budgetary problems. There is no provision for assistance in the 1995 budget.

A group of government officials from Ankara and the southeast is now working on a plan to improve conditions in the southeast. This includes a "return to villages" program, which has not yet been implemented excpet in a handful of cases. As of the end of August, the Diyarbakir governor stated that one village had been resettled in his province. Fifteen villages had applied; nine applications were being evaluated on security criteria.

This initiative stands in contrast to the largely inadequate GOT response to the needs of these dislocated people, which is creating a subculture of poverty and discontent.

Freedom of Expression

A second area of great human rights concern within Turkey is the continued curtailment of freedom of expression. Turkey's broadly-written anti-terror law allows charges to be brought for acts, words or ideas which promote separatism or threaten the indivisibility of the State. In practice, the law is too broadly applied.

In 1994, a number of parliamentarians were stripped of their immunity. Ultimately, eight parliamentarians -- seven from the pro-Kurdish DEP party, along with one independent -- were tried and sentenced under the anti-terror law. It bears noting that the prosecution's case was based largely on these legislators' words rather than their actions.

-- Some of Turkey's most prominent writers, journalists and entertainers -- Mehmet Ali Birand, Yasar Kemal, Bilgesu Erenus -- have been indicted during the past year for their speech or words .

-- Human Rights activists continue to be arrested and tried for reporting human rights abuses. All but two of the Human Rights Association branch offices in the southeast are closed.

Disappearances/Extrajudicial Killings

A third area of human rights abuse involves disappearances and extrajudicial killings. While both have declined somewhat during the past six months, they continue to occur. More than 300 people have disappeared in Turkey over the last three years. In addition to political assassinations, extrajudicial killings have resulted from excessive use of force and torture.

So called "mystery murders," where the assailant is unknown, account for a high percentage of the extrajudicial killings. Among the victims of these "mystery murders" have been large numbers of leaders or prominent members of the Kurdish community, human rights monitors, local politicians and members of the pro-Kurdish DEP and HADEP parties. In the past two years, more than 30 members of the DEP and/or HADEP parties have been murdered. Not all of these deaths should be attributed to the government; some were doubtless carried out by terrorist organizations. Last May, however, the Parliamentary Committee charged with investigating the mystery murders issued a report, which, as leaked to the press, concluded that "illegal formations" within the state bear some responsibility for these acts and that they need to be "cleaned-up." In our report, we found these conclusions credible.

Between July 21 and August 30 of this year three people died under suspicious circumstances while under detention. According to the Human Rights Foundation of Turkey, 81 deaths have occurred under police custody in the past three years.

More than 300 people have disappeared in the last three years in Turkey. Disappearances very often occur after a person is arrested and taken away to be interrogated. If the suspected crime involves the anti-terror law, no access to a lawyer is required and the person can be detained up to 30 days in the ten provinces of the State of Emergency region or 15 days outside that region.

There is no requirement that family members be notified that the person is being detained and it appears that they seldom are. Many families are fearful of inquiring about their family members because they fear they will also be detained.

Torture

One of Turkey's most serious human rights problems is the routine use of torture by police and other security forces during periods of incommunicado detention and interrogation.

Despite a constitutional ban against torture and Turkey's accession to international conventions banning torture, 4,149 applications claiming torture, maltreatment or arbitrary detention were filed with the Turkish Parliament's Human Rights Commission between September 1991 and September 1994.

The increase in applications to the Human Rights Foundation's Torture Rehabilitation Centers can be attributed not to an overall increase in incidents but rather to better public knowledge of the centers and the opening of a new center in Adana, in the southeast. The other three centers are in Ankara, Istanbul and Izmir.

The continued practice of torture is attributed to several factors:

-- A police "culture" which depends too greatly on confession;

-- The system of having arresting officers also serve as interrogators;

-- Lack of early attorney access, especially for those being detained on anti-terror grounds;

-- Most importantly, the lack of timely, serious prosecution of law enforcement officers accused of torture;

-- A lack of sufficient forensic training and expertise; and

-- A lack of knowledge on the part of law enforcement officials as to how to properly construct an evidentiary case.

Use of U.S. Military Equipment

As you know, Mr. Chairman, we have given a detailed assessment of the human rights situation in Turkey in our 1994 human rights report, and a more recent report was submitted to the Congress last spring on allegations of human rights abuses by the Turkish military. A key focus of that our report was the use of U.S. military equipment in the commission of human rights abuses in the southeast. Many eyewitnesses reports refer to the use of major military equipment such as armored personnel carriers, helicopters and trucks. In a number of instances reported by U.S. human rights NGOs and others, eyewitnesses have identified the equipment involved as U.S. models.

-- Evacuated villagers from Nurettin identified M113 armored personnel carriers as being involved in the evacuation of that village in November 1993.

-- Both Blackhawk and Super Cobra Helicopters were identified in press reports as having been used in operations in Tunceli province in September - October 1994.

-- At least four F-16s reportedly bombed four villages on March 26, 1994.

The U.S. government finds the evidence for the use of this equipment in these three instances highly credible.

We do not have information regarding the extent to which U.S. equipment has been involved in village evacuations and/or destruction more generally. Since most, but not all of Turkey's major military equipment has been supplied by the U.S., however, it is highly likely that U.S. equipment and ordinance have been involved in such operations.

The U.S. government has no reliable information on the origin of the weapons involved in "mystery killings" and disappearances. There are some eyewitness accounts of abductions by helicopter, but the U.S. has been unable to confirm them.

There is no direct evidence of the use of equipment of U.S. origin in torture. Reports of beatings of villagers by rifle butts cannot be assumed to have involved the use of U.S.-origin rifles because the G-3 rifle, which is most commonly used by Jandarma forces, is not a U.S. product and is manufactured in Turkey. The use of U.S. origin trucks, APCs and helicopters as ubiquitous. It can be assumed that they would be used to transport any security forces perpetrating such acts.

U.S. Policy

Mr. Chairman, over the past 18 months the U.S. Government has been engaged in an intensive and ongoing dialogue with the Turkish Government on ways to support our shared commitment to civil society, democracy and human rights. Ours has not been the only government active in this area -- the European Union, OSCE and others have also made their voices heard -- but we have made special efforts, which I hope are beginning to bear fruit.

Our policy of direct and intense engagement on these issues has been implemented at all levels of the U.S. government, including the very highest. Human rights has been a prominent feature of the dialogue between President Clinton and Prime Minister Ciller, and between Secretary Christopher and his successive Turkish counterparts. During his visit to Turkey last spring, Deputy Secretary Talbott hosted a round-table for Turkish human rights NGOs to get their firsthand impressions of the situation there and to show our support for the Turkey's own efforts. The Assistant Secretary for European Affairs, Richard Holbrooke, has raised human rights issues on all recent trips to Turkey, as have I.

This effort has not been restricted to the White House and the State Department. Our military has had a long and successful relationship with the Turkish military; Secretary Perry, General Shalikashvili and Assistant Secretary of Defense Joseph Nye have all engaged their counterparts in discussions of human rights.

I have made two trips to Turkey, the first in July of 1994 to Ankara and Istanbul, the second in October to Ankara and the southeast. I met with representatives of the Government, with Human Rights NGOs, with members of the Bar Association, with prominent members of the Kurdish community and with ordinary citizens.

During each visit I was told of the extent of the human rights problems I mentioned earlier. In the southeast, for instance, I heard firsthand accounts of the traumas and dislocations of village evacuations and burnings. Officials in the city of Diyarbakir could not keep count of all the refugees who have streamed there, the numbers varying by hundreds of thousands. All lamented the lack of schools and other services to address the needs of such vast numbers.

I met with families whose husbands, fathers and children have "disappeared." They asked me to help them find out what happened to their loved ones. I heard the accusation that people arrested in the southeast under the Anti-Terror law can expect to be tortured unless they sign a confession.

I would add that I was able to hold these meetings because of the new openness of Turkey's government, as well as it's society's desire to live up to its own ideals. It is hard to imagine that I, or the NGOs I have mentioned, could have had such discussions in Turkey otherwise.

These are, to say the least, very serious problems, and, as I have said, we are working at every level with the Turkish government to develop solutions to these problems.

Moreover, I might add that the Turkish government has willingly opened up to U.S. and European programs to province human rights training to law enforcement officials.

We are gravely concerned about the use of military equipment provided by the U.S. to Turkey. We are constantly reviewing proposed arms transfers on a case by case basis, and in each case we will make our decision by taking into account human rights concerns as a matter of central U.S. policy and law.

Arms sales to Turkey are in compliance with the Arms Export Control Act (AECA). Human rights violations have occurred in the course of operations but those operations appear to have been undertaken for a purpose authorized under the AECA. To promote a settlement in the southeast, our best course is to continue to promote democrtatizaton, while supporting Turkey's legitimate struggle against terrorism.

As I said at the outset, Turkey is a crucial NATO ally and a key friend at the strategic, political, economic and cultural crossroads at which it stands. It is precisely because Turkey is valuable to us and because we seek to maintain and expand our long-term relationship with a stable democratic Turkey that we must ensure that our assistance and equipment address legitimate security needs and not go toward activities that might do irreparable harm to human rights and to the fabric of Turkish civic life.

Changes on the Ground

Mr. Chairman, I believe our policy of intensive engagement with Turkey on human rights is working, and that positive change is beginning to occur.

A broad debate within Turkey is now taking place in these issues. Columns in the popular press are asking questions such as Whither Turkey? · Popular television commentators have questioned public policy. They were sometimes were prosecuted as a result, but that hasn't stopped them. For the first time, government officials have begun to question their government's decisions and Parliamentarians have demanded that investigations be conducted of military operations. In short, a lively public debate has been taking shape around these issues.

Over hte last six months, the public debate has begun to show some concrete resuls I will mention a few:

-- Perhaps most importantly, the Turkish Parliament passed 16 groundbreaking amendments to the Constitution in July by an overwhelming majority of 360-32. The amendments, among other things, lifted restrictions on participation in politics by associations, labor unions, professional groups and cooperatives; lowered the voting age and created greater political access for youth and women; and for the first time allowed civil servants the right to unionize. We have seen some early enforcement of these amendments, including the dismissal of illegal assembly charges against some union leaders, and the open participation, for the first time, of the Turkish Labor Federation in a political party convention. Whn fully implemented, these amendments provide an important set of democracy expansion measures. Beyond their significance in their own right they are both indicative of, and contributing to, dynamic, positive change in Turkey itself on these issues.

-- When Turkey invaded Northern Iraq in March its military did so with rules of engagement designed to minimize to the fullest extent any impact on civilians. From everything that we know on that operation, these rules were observed.

-- Mandatory human rights education has been introduced this year into the curricula of Turkish high schools, and the government has intensified human rights training for the police.

-- Earlier this year, Prime Minister Ciller issued a circular to the police and gendarma condemning the use of torture in interrogations and the Mininster for Human Rights issued a report on police interrogation methods to be used to elininate torture.

-- In recent months there have been modest beginnings of a program to return villagers to their homes in the southeast and to provide them with the basic necessities needed to restore their communities.

-- Prime Mininster Ciller and President Demirel have bith strongly endorsed legislation to expand freedom of expression in Turkey, as has the newly elected leader of the junior government coalition party CHP. The legislation will be taken up by the parliament next month.

-- The Turkish Security Directorate General has recently instituted a program to require immediate communication with the families of persons taken into custody to eliminate the problem of "disappearances in custody."

Much Remains to be Done

Clearly, positive changes are occurring in Turkey today, and everyone involved in this process deserves our praise for facing these challenges, but much remains to be done. In particular, the government's democracy initiative -- supported by all but the fundamentalist Refah party -- offers hope for meaningful, lasting change. Nonetheless, many serious problems remain and it is terribly important that the Turkish government continues to work toward democratic reform and improvement of human rights.

The success of democratic and human rights reform is vital to Turkey's own future success in a variety of arenas. Much of Turkey's economic progress is intrinsically linked to the strengthening of its democratic institutions; the rate of Turkey's continuing integration into Europe will be heavily influenced by the degree of continued progress in human rights.

As we see it, this human rights agenda should include a number of actions:

First, the government needs to cement a consensus that the problems of the southeast cannot be solved solely through military action. The massive displacement of people, the loss of their traditional homes and life styles and the discontent and aggravated poverty that have resulted are all creating a large group of people who do not identify with their government. There should bbe an end to village burnings and evacuations and provision of adequate assistance to those who lost their homes.

Second, Article 8 of the Anti-Terror Law ought to be revised so that words short of incitement to violence are not a crime. Any other laws or provisions that would apply the same standards as Article 8 should not be used to substitute for Article 8 if it is amended.

In a democracy, citizens must be allowed to challenge the decisions and policies of the government. Debate over critical issues is the very hallmark of freedom. In this spirit, expansion of cultural, educational and linguistic freedom of expression throughout Turkey, and particularly in the southeast, is essential.

Third, the strong statements issued by the Turkish government against torture need to be given teeth by adequately punishing those who perpetrate it. New training programs instituted by the government are commendable, but torture oannot be eradicated so long as there is an atmosphere of impunity for those who perpetrate it.

Finally, those who have disappeared or who were murdered under mysterious circumstances, should be accounted for. The Government should create a mechanism through which people can gain information about their missing or dead family members. These cases must be investigated and brought to prosecution.

In some provinces, an office of missing persons has been established. This example should be repeated throughout the country and these offices should be held accountable for conducting objective and thorough investigations.

Conclusion

To sum up, Mr. Chairman, significant abuses have been and are taking place in Turkey. But Turkey has a basic commitment to democratic processes, and a vibrant civil society, and these issues are being debated and beginning to be addressed through significant changes. We will continue to encourage that change in the interest of human rights, democracy abd the strengthening of good relations between Turkey and the United States.

Question for the Record Submitted to John Shattuck
Helsinki Commission, September 19, 1995

Question

Turkey's parliament was widely lauded for passing a constitutional amendments package in July. While these amendments broadened political participation and removed language supporting the 1982 military coup, they do not lift speech restrictions or address underlying sources of the Kurdish crisis. How can the U.S. government convince Turkish leaders to take further steps?

Answer

The U.S. Government has maintained at the very highest levels an intense engagement with Turkish officials on human rights questions.

Many Turkish citizens and officials, including Prime Minister Ciller, support promotion of democracy and human rights in Turkey because they believe that this is in Turkey's national interest. They have succeeded in obtaining parliamentary passage of constitutional reforms designed to broaden political participation.

More importantly, the Parliament on October 25 amended Article 8 of the Anti-Terror Law, one of the primary articles under which free speech was greatly limited. As a consequence of this amendment, more than 120 people have been released from jail.

There also needs to be a reconsideration of military operations against Kurdish villages in the southeast. PM Ciller has said that it is time to review the need for the state of emergency in the southeast. We welcome such thinking and are urging an end to all forced evacuations of villages and other military operations that violate the human rights of citizens. In addition, the present coalition Government in Turkey has included decentralizing governmental authority throughout Turkey its most recent 5-Year Plan. Many observers feel that strengthening local government in Turkey would lead to more responsive, representative and democratic government.

As Turkey confronts these problems, we will continue to stay engaged at all levels. Progress will come incrementally, requiring our patience, understanding, and our persistence.

Question for the Record Submitted to John Shattuck
Helsinki Commission, September 19, 1995

Question

Informed observers agree that Turkey cannot solve its Kurdish question by military means. In the absence of concrete political steps to resolve the crisis, will our government continue to conduct business as usual with Turkey?

Answer

Human rights issues have formed a central part of the political dialogue between the U. S. Government and Turkey. We remain engaged at the highest levels with the Turks on these and other issues. The Turks are well aware that the U.S. Government takes human rights concerns into account, specifically with regard to arms transfers, and that such decisions are made on a case-by-case basis.

Question for the Record Submitted to Marshall Adair
and John Shattuck
Helsinki Commission, September 19, 1995

Question

A Kurdish Parliament-in Exile established last April in the Netherlands has not been recognized by any government because of its links to the PKK. Is it possible, if peaceful political accommodation is not reached in the near future, that this body could come to play a role similar to parliaments once associated with the PLO and ANC?

Answer

As we have emphasized previously in testimony to the Congress and in discussions with the Turkish government, a purely military solution to the conflict in the southeast will not work. Carefully calibrated military efforts need to be combined with initiatives to expand the cultural and civil rights of Turkey's Kurdish citizens.

The United States is aware of the close association between the "Kurdistan Parliament in Exile" (KPIE) and the Kurdistan Workers' Party (PKK), a terrorist organization which has not hesitated to target western, including American, interests. As a terrorist organization, the PKK has no legitimacy, and neither does the KPIE.

Under these circumstances, it would be neither appropriate nor constructive for the U.S. Government to speculate on the role of the "Kurdistan Parliament in Exile."

Question for the Record Submitted to Marshall Adair
and John Shattuck
Helsinki Commission, September 19, 1995

Question

While numerous European governments have publicly endorsed invoking the OSCE Moscow Human Dimension Mechanism to mandate an OSCE monitoring mission to Turkey, our government has only encouraged Turkey to invite such a mission themselves. Is the OSCE an appropriate body to monitor the increasingly dangerous conflict in southeast Turkey and would the U.S. support such a mission if it were proposed during the upcoming Warsaw Review Meeting?

Answer

We believe that the OSCE can play a very constructive and helpful role, so we have urged the Turkish government to request a mission. We continue to believe that this would be the best approach to take.

Such a mission was not proposed during the Warsaw Human Dimension Implementation Review in October.

Question for the Record Submitted to Marshall Adair
and John Shattuck
Helsinki Commission, September 19, 1995

Question

In determining whether U.S. origin military equipment is used against civilians, are U.S. officials given access to areas where human rights abuses, including village evacuations, are alleged to have taken place?

Answer

Personnel from our Embassy in Ankara, together with the Consulate in Adana, travel frequently to Turkey's southeast to follow up on human rights violations. In the past, the ability of U.S. officials to travel to areas in which village evacuations have taken place has been limited by a number of factors; these include security considerations, the weather, personnel constraints and lack of authorization from authorities. More recently however, Embassy officials have been able to travel frequently to the area.

Assistant Secretary Shattuck traveled widely in the southeast in October 1994 with the assistance of the government. During the trip, he was allowed to meet with whomever he wished and traveled wherever he desired. He did have one problem meeting with one human rights NGO official who was detained but eventually he was able to meet with him in private.

During a trip by Embassy personnel in September 1995, they observed many villages that appeared to be recently evacuated.

Question for the Record Submitted to Marshall Adair
and John Shattuck
Helsinki Commission, September 19, 1995

Question

Has the U.S. Government suspended the delivery or sale of any weapon systems to Turkey because it is determined that such equipment could be used, in violation of U.S. law, for non-defensive purposes or against civilians? If so, how are such determinations arrived at?

Answer

We continue to monitor all arms transfers and sales to Turkey on a case-by-case basis. A range of criteria, including human rights, is considered in each case-by-case review or proposed transfer or sale. The Government of Turkey understands that its human rights record is a major consideration in proposed U.S. sales and transfers to it and can result in certain cases in suspension or delay of shipments. Denials of proposed sales or transfers are normally the result of a combination of factors.

As a recipient of U.S. security assistance, Turkey has the right to use U.S.-supplied weapons for self-defense and for internal security.

STATEMENT BY MARSHALL ADAIR
BUREAU OF EUROPEAN AND CANADIAN AFFAIRS

before the

Helsinki Commission

September 19, 1995

Mr. Chairman, thank you for the opportunity to discuss U.S. policy toward Turkey and how human rights are an integral part of that policy. Let me also thank you and your colleagues and staff for your longstanding involvement in these issues. The Commission's briefings for the public, its reports and analyses, and your frequent statements on human rights issues in Turkey are an important resource. And your contacts with your counterparts in the Turkish Parliament through the OSCE Parliamentary Assembly are useful channels for exchanging experiences and broadening mutual understanding.

Secretary Shattuck has described in some detail our assessment of the current human rights situation in Turkey, and how our policy aims to assist Turkey with improving its human rights record. I would, therefore, like to focus my testimony primarily on the other key issues in our bilateral relationship. I want to underscore, however, the inter-connection of human rights and every other aspect of our policy toward Turkey. Because we consider both Turkey in its own right, and the Turkish-American relationship, to be so important, we want Turkey to be strong, secure, stable and prosperous.

That is precisely why, as Deputy Secretary Talbott stressed during his trip to Turkey in April, "Our view... requires us always to add, in public fora such as this and in our ongoing dialogue with the Turkish government, that we believe democracy, respect for human rights, and an inclusive political system are critical to the stability...and indeed the security of the state."

Strategic Location

Turkey is located at the intersection of three major geographic regions: Europe, Eurasia, and the Middle East. Almost every issue of concern to the U.S. in these regions intersects somehow in Turkey.

Turkey is a democracy and a secular nation, in a part of the world where democracy is not firmly rooted and where religious conservatism is on the rise. Since this is a region of the world that also has vital oil reserves, the gateway into the Middle East and Central Asia through Turkey is of significant strategic importance.

Turkey also controls access to the Bosporous and Dardanelles -- through which Eastern European and Russian vessels must move

their goods in order to trade them with the rest of the world. Turkey's location also makes it an excellent location for an economically viable pipeline to carry Caspian oil and gas out of the Caucacus to Western markets. The construction of such a pipeline would provide impetus to economic development of the newly independent states in the region, and ultimately to faster economic development in Russia and better integration of the region, as common interests supercede political differences.

NATO Membership

Turkey is a committed member of NATO, hosting some 8,000 U.S. troops and civilian personnel, along with members of their families. Our air base at Incirlik and the access to Turkey's five co-located operating bases are crucial for power projection in the region. Turkey contributes a brigade to NATO's rapid action force, and other units as well.

Turkey's support for Operation Provide Comfort, and its continued support for U.S. and U.N. efforts in humanitarian and sanctions operations related to Iraq are critical to the operations' success. Turkey also sent troops to Somalia, and during a critical phase of that operation, the Commander of the U.N. force was a Turkish General.

Role in Bosnia Negotiations

Turkey has played a positive role in support of United Nations efforts to achieve a peaceful solution to conflict in the Balkans. In Bosnia, Turkey has provided a 1400-man unit as part of the peacekeeping force,a squadron of F-16's to help enforce the no-fly zone, and a frigate to help enforce the embargo. The Turkish government has emphasized its willingness to provide additional forces and assistance to the peace effort in the Balkans.

Relations with Europe

Turkey's post-World War II value to our Western European allies derived primarily from its military association with the U.S. As the Cold War passed into history, the Europeans placed less emphasis on maintaining good relations with Turkey. The presence of large Turkish communities in other European nations sometimes led to social friction and diplomatic problems.

More recently, however, many Europeans have grown alarmed about the growing instability and religious conservatism in the Middle East. They have come to see the value in anchoring Turkey more firmly in Western alliances and institutions, and in assisting in its political and economic development.

The European nations and Turkey have negotiated a customs union agreement which will be considered for ratification by the European Parliament. This customs union would go much further than simply liberalizing trade. The customs union -- if it is approved -- would harmonize customs tariffs, require Turkey to adopt almost the entire network of EU trade agreements and commit Turkey to enforcing EU and multilateral rules on the protection of intellectual property rights. Turkey will be reviewed for progress in these areas in October, and a final vote on the entry-into-force of the customs union is scheduled for December. Turkey's human rights record will, as you know, be a primary consideration in the European Parliament's decision.

The U.S. urges Turkey to take the steps needed to enter into the customs union. We strongly believe that trade under the agreement could help Turkey to achieve economic prosperity, which would in turn contribute to stability there. Like our European allies, we seek Turkey's concrete commitment to uphold the kinds of protection for intellectual properties which are currently in effect throughout much of Europe. Last, and most important, we believe a Turkish customs union with Europe would strengthen its ties to the West.

Relations with Greece and Cyprus

Greece -- which has historically had difficult relations with Turkey -- has also publicly supported the customs union. We believe that the process of approval of the customs union offers another important opportunity: to ease tensions between Greece and Turkey. Continuing tensions harm the interests of both countries, and could threaten a number of important foreign policy initiatives, including expansion of NATO, and, of course, Cyprus negotiations. We continue to urge Greece and Turkey to resolve their differences by dialogue and negotiation.

Relations with the U.S.

Turkey is clearly a nation of key -- indeed, I would say pivotal -- strategic importance to the United States. Relations between Turkey and the United States are excellent, as personified by the close friendship and mutual trust between President Clinton and PM Ciller.

Defense cooperation remains central to the relationship. Turkey is the third largest recipient of U.S. aid, after Israel and Egypt. Between 1984 and 1993, U.S. assistance to Turkey totalled $6.3 billion -- mostly in the form of grant aid. This does not include the value of weapons transferred to Turkey

through NATO or bilateral programs, or the amounts spent by U.S. military forces in Turkey over the years. Starting in FY 1993, increasingly severe U.S. budget constraints limited the amount of security and economic assistance we were able to provide, and we converted our assistance to concessional and later market rate loans. To offset this decline in resources, we have sought to enhance other aspects of our relationship.

Economic cooperation between our nations is becoming more important. We have revived the Joint Economic Commission with Turkey to spur trade and investment in both directions. We recognize that Turkey is a big emerging market for the United States. U.S. exports to Turkey in 1994 were $2.75 billion -- this exceeds total sales to nations like Russia; Sweden; India; and all of Eastern Europe combined.

Enhanced political consultation and cooperation is also increasingly important. Washington and Ankara agree on many of the most important foreign policy questions in this crucial region. Let me give you some examples: Both governments actively support a diplomatic resolution of the conflict in Bosnia. Both support and contribute to the success of the Middle East peace process, and both are committed to the development of independent and economically viable states in the Caucasus and Central Asia. Turkey views the customs union with Europe as an important part of its economic and political integration into Europe, and the U.S. supports that step for those very reasons.

Still, points of friction do exist. The decline in security assistance has diminished U.S. leverage. Many Turks believe the U.S. and NATO have been insufficiently active in guarding against a Russian resurgence in the Caucasus and Central Asia. The situation of the Bosnian Muslims is deeply felt in Turkey, and U.S.-led peace efforts there, at least until recently, were seen as inadequate. On the U.S. side, of course, there is real concern about the human rights problems in Turkey.

These problems notwithstanding, most Turks continue to prefer partnership with the West and the United States to other alliances. Ankara appreciates the United States' determination to fight global terrorism, particularly as Turkey struggles to deal with the PKK -- a vicious terrorist organization. The Turks also appreciate Washington's support for a Caspian oil pipeline passing through Turkey, and our advocacy of the customs union with Europe.

Human Rights

Turkey has undertaken important efforts to improve its compliance with internationally accepted human rights principles as part of its efforts to secure approval of the customs union. But the desire to get the customs union ratified is far from the

only reason for these reforms. The Turks are coming to recognize the value of expanded democracy and human rights for themselves, and for the society in which they live.

In a speech on March 1, Prime Minister Ciller announced a six-point human rights program. Her plan included a series of proposed Constitutional reforms that would enhance Turkish democracy and broaden political participation. Sixteen reforms were approved on July 23 by an overwhelming majority of 360 to 32. The amendments -- among other things -- eliminate restrictions on political participation by associations, unions, groups and cooperatives. The amendments grant civil servants the right to form unions and engage in collective talks. They lower the voting age from 20 to 18; and they increase the number of parliamentarians from 450 to 550. The passage of these reforms is a significant step toward improving Turkey's human rights situation.

The government recently instituted a program of "contact teams." Their aim is to communicate immediately with family members of persons taken into custody to be able to refute and eliminate claims of disappearances in custody. At the beginning of 1995, Prime Minister Ciller again came out strongly against torture. She issued a second circular to police and Jandarma stations in February (the first was in January 1994), reiterating torture's unacceptability.

The Turkish government has instituted human rights courses which will be introduced in high schools during the next academic year. The Turkish General Staff has also begun human rights training for military offices.

The proliferation of private TV and radio stations has increased the amount and accuracy of information available to Turkish citizens, thus expanding the public debate needed for a more pluralistic society. More improvements have been proposed. Important among them are adjustments to Article 8 of Turkey's anti-terror law, which has been used to constrain freedom of expression. Both Prime Minister Ciller and President Demirel have expressed their commitment to changing this article. They recognize that expanded freedom of expression is intrinsic to modern democracies. Debate on this Constitutional change will resume when Turkey's Parliament reconvenes in a few days.

These measures are not easy to undertake. We welcome Turkey's attempts to promote democracy and human rights as it is engaged in a prolonged military conflict with the brutal PKK. We must also recognize that expanding cultural and civil rights for Turkey's Kurdish citizens could hasten an end to this conflict.

Much clearly remains to be done for Turkey to adhere to human rights standards fully representative of a Western democratic state. Nevertheless, real progress is being made.

Choosing the Best Approach

As Secretary Shattuck has stated, the U.S. government seeks practical ways to promote human rights improvements in Turkey. He has spoken about the sorts of approaches that are most effective in our dealings with Turkey in the area of human rights. We must remember that the Turks are a proud and nationalistic people who are coping with extensive political, economic and social change. Many in Turkey support human rights improvements, although -- as in most democracies -- there are also disagreements about how to achieve them. Many also have reservations about focussing on human rights when other problems seem more pressing. Some simply oppose such changes. We must be careful to choose policies and measures that will strengthen the hand of Turkey's human rights supporters, and will not produce a counter-productive backlash.

Turkey is a nation with which we share much in common, and whose strategic importance to us is clear. It is also a nation with serious, long-standing human rights problems.

The United States Government is faced, therefore, with a variety of important considerations in the management of our complex relationship with Turkey. We must continue to stand up for democracy and respect for human rights. We must continue to speak out when we see injustices being committed, and we must respond to our own people on the results of our endeavors. We must find ways to help Turkey make progress.

There are other important factors that must be given due weight in our relations with Turkey. Issues like Turkish cooperation on NATO expansion, Cyprus, Iraqi sanctions, the containment of Iran, relations with Russia in the Caucasus and Central Asia, and transit routes for Caspian oil and gas, have significant implications for regional stability and important American interests.

As we work with Turkey on these issues, we gain understanding and build confidence that we can apply to matters on which we do not always agree -- such as human rights. We believe that engaging Turkey closely, and working to support its integration with the West is the best way to gain leverage with and access to Turkish decision-makers, so that we can encourage the peaceful, prosperous, stable Turkey we seek, in which the rights of all its citizens are respected.

And finally, we must recognize the important steps which Turkey has taken recently in improving its own human rights regime. Partly in response to prodding from us and its other allies, but -- more importantly -- in response to the demands of its own population, Turkey is undergoing seminal changes in its perception of and enforcement of human rights principles. Much remains to be done, but there has been real progress.

So, we must search for ways that will enable us to achieve all our objectives. We look forward to close coordination and cooperation with your Commission and with the Congress in this process.

Thank you.

Question for the Record Submitted to Marshall Adair
Helsinki Commission, September 19, 1995

Question

A Kurdish Parliament-in-Exile established last April in the Netherlands has not been recognized by any government because of its links to the PKK. Is it possible this body could come to play a role similar to parliaments associated with the PLO and ANC if peaceful political accommodation is not reached in the near future? Would our government ever support a mediating role for this body?

Answer

As we have emphasized previously in testimony to the Congress and in discussions with the Turkish government, a purely military solution to the conflict in the southeast will not work. Carefully calibrated military efforts need to be combined with initiatives to expand the cultural and civil rights of Turkey's Kurdish citizens. The form that this cooperation will take is an internal Turkish matter.

The United States is aware of the close association between the "Kurdistan Parliament in Exile" (KPIE) and the Kurdistan Workers' Party (PKK), a vicious terrorist organization which has not hesitated to target western, including American, interests. As a terrorist organization, the PKK has no legitimacy, and neither does the KPIE.

Under these circumstances, I do not think it is appropriate to speculate on what role the "Kurdistan Parliament-in-Exile" might play.

Question for the Record Submitted to Marshall Adair
Helsinki Commission, September 19, 1995

Question

As an associate member of the Western Contact Group on Bosnia and active member of the Islamic Contact Group, Turkey can play a potentially critical role in ongoing peace efforts, as Ambassador Holbrooke's recent consultations in Ankara with Prime Minister Ciller and President Izgetbebovic demonstrated. What role is Turkey expected to play in any Balkans peace plan?

Answer

The details of any peace plan remain to be worked out, and it is probably too early to speculate on roles for any individual country. That said, we have been very appreciative of the supportive and helpful role Turkey has played thus far, and will certainly continue our consultations with Ankara as the peace process goes forward.

Turkey has played, and continues to play, a very supportive role in the Balkans. It has, for example, recently provided a squadron of aircraft for operation "Deny Flight," a frigate to enforce the blockade, and some 1400 men as part of the UN peacekeeping force. Over the past three years, Turkey has played an important part in supporting a broad range of NATO operations in Bosnia. As part of NATO, Turkey will continue to play an important part in the Alliance's activities in Bosnia.

Turkey has expressed an active interest in the reconstruction and peace processes in Bosnia. Turkey has volunteered to play a leading role in the Organization of Islamic Conference's (OIC) assistance efforts for the reconstruction of Bosnia. Turkey has also been in close touch with the USG and with other European donors to coordinate efforts.

Question for the Record Submitted to Marshall Adair
Helsinki Commission, September 19, 1995

Question

What role can Turkey play in the Middle East peace process, given its proximity and close relations with the U.S., Israel, and many Arab nations?

Answer

Because of its geographic position and its excellent and growing relations with Israel and many Arab nations, Turkey is well suited to play an important role in the peace process. Turkey participates in the water, refugee and regional security working groups supporting the peace process. As the process goes forward, Turkey's role is certain to develop further.

Question for the Record Submitted to Marshall Adair
Helsinki Commission, September 19, 1995

Question

While numerous European governments publicly endorsed sending a long-term OSCE monitoring mission to Turkey, our government has only encouraged Turkey to invite such a mission themselves. Is the OSCE an appropriate body to monitor the increasingly dangerous conflict in southeast Turkey?

Answer

We believe that the OSCE can play a very constructive and helpful role, so we have urged the Turkish government to request a mission. We continue to believe that this would be the best approach to take.

Question for the Record Submitted to Marshall Adair
Helsinki Commission, September 19, 1995

Question

Can the "Provide Comfort" mandate survive either prolonged anarchy in northern Iraq or the formation of a self-governing Kurdish entity in northern Iraq, scenarios both opposed by the Turkish government?

Answer

Both Turkey and the United States support the territorial integrity of Iraq. We and our Turkish allies are working to prevent prolonged anarchy in northern Iraq through support of the negotiations in Dublin. The U.S. is facilitating talks between the two major Kurdish parties, with Turkey participating as an observer, to help the Kurds resolve their disputes.

Despite concerns about the ongoing political turmoil in northern Iraq, the Turks have a major interest in preventing the sort of refugee flows which took place in the immediate aftermath of the Gulf War. For this reason, we hope and believe that their support for continuation of "Provide Comfort" will continue.

Question for the Record Submitted to Marshall Adair
Helsinki Commission, September 19, 1995

Question

How do bilateral relations with Greece affect our policies towards Turkey?

Answer

We do not see our relations with Greece and Turkey as a "zero sum game." Both are important allies with different security requirements, different economies, and different political and social problems. In most cases, therefore, we do not formulate or evaluate our policies toward either Greece or Turkey in terms of the other country.

In areas where the interests of Greece and Turkey conflict, our role, as always, is to recommend and look for ways to achieve dialogue and compromise for both sides.

Question for the Record Submitted to Marshall Adair
Helsinki Commission, September 19, 1995

Question

Economic rivalry between Russia and Turkey in the Black Sea region and Central Asia has resumed and is especially visible in discussions of proposed pipelines to carry billions of dollars worth of oil and gas West from Central Asia. Does our government support either of the pipeline routes proposed through Kurdish regions of Turkey or through Russia and Chechnya?

Answer

The USG has clearly stated its support for multiple pipeline routes for the short and long term to meet the expected export needs from the region. We expect several pipelines to be needed ultimately, and believe that multiple lines offer the greatest security and the best chance to introduce commercial competition in the area.

In January 1995, we specifically endorsed a long-term oil export route through Turkey, ending at the Mediterranean port of Ceyhan, as one of these several pipelines. We believe an overland route, like the one to Ceyhan, will avoid significant new environmental threats to the Bosphorous by limiting the need for increased transit through that environmentally sensitive area. The envisioned route to Ceyhan would avoid most of the Kurdish areas by beginning in the Caucasus and going southwest.

The Western companies in the Caspian region are considering a route from Azerbaijan through Grozny to Novorossysk on the Black Sea. They are evaluating security concerns on a commercial basis.

Question for the Record Submitted to Marshall Adair
Helsinki Commission, September 19, 1995

Question

In determining whether U.S.-origin military equipment is used against civilians, are U.S. officials given access to areas where human rights abuses, including village evacuations, are alleged to have taken place?

Answer

Personnel from our Embassy in Ankara, together with the Consulate in Adana, travel frequently to Turkey's southeast to follow up on human rights violations. In the past, the ability of U.S. officials to travel to areas in which village evacuations have taken place has been limited by a number of factors. Among those factors have been security considerations, the weather, personnel constraints, and lack of authorization from authorities. More recently, however, Embassy officials have been able to travel freely.

Secretary Shattuck traveled widely in the southeast last October with the assistance of the government. During the trip, he was allowed to meet with whomever he wished and traveled wherever he desired. I understand that he did have a problem meeting with one human rights NGO official, but eventually was able to meet with him in private.

During a trip by Embassy personnel in September, they observed many villages that appeared to be recently evacuated.

Question for the Record Submitted to Marshall Adair
Helsinki Commission, September 19, 1995

Question

Has the U.S. Government suspended the delivery or sale of any weapons systems to Turkey because it is determined that such equipment could be used, in violation of U.S. law, for non-defensive purposes or against civilians? If so, how are such determinations reached?

Answer

We continue to monitor all arms transfers on a case-by-case basis. The GOT understands that a country's human rights record is a major consideration in all arms transfers, and can result in certain cases in suspension of delay of shipments.

As a recipient of U.S. security assistance, Turkey has the right to use U.S.-supplied weapons for self-defense and for internal security. This includes use to combat terrorism.

SEPTEMBER 19, 1995 HELSINKI COMMISSION HEARING
"TURKEY-US RELATIONS: POTENTIAL AND PERIL"
Testimony of Alan Makovsky

Mr. Chairman, let me first say what an honor it is for me to be asked to testify before this body. During my many years as an official in the State Department I admired the unique and often creative focus of the Helsinki Commission, and maintained an excellent relationship with Helsinki staff. I'm very pleased and flattered to be here.

The focus of my remarks will be somewhat different than that of the statements on the first panel. I've been asked to make some overview remarks and to confine my remarks to seven-ten minutes. I'll try to do just that.

The title of this panel is "US-Turkish Relations: Potential and Peril." Preliminarily, it should be said that Turkey is a longstanding friend of the US, a NATO ally, and by far the most democratic country in the Islamic world--lamentably there's not much competition for that title--and a state firmly committed to secularism. Let me also say, based on a recent trip to Ankara, that I believe that the tone of US-Turkish relations, at least on a state-to-state level, is at a high point for recent decades. Turkish officials readily talk publicly and positively about US friendship and world leadership in a way that the arms embargo of the mid-1970s long made politically unacceptable.

On foreign policy, Turkey's primary concerns are its neighbors, and its worries about Russia, Syria, Iran, and northern Iraq, in particular, match and at times go beyond US views, in some cases diverging from them. Three of Turkey's neighbors are on the State Department list of state sponsors of terrorism. Ankara is also placing great hope on newly growing relations with Israel, which have blossomed since the 1993 Israel-PLO Declaration of Principles. I would be happy to address those issues in the Q-&-A.

Clearly the most important "peril"--to use the word from the title--Turkey faces is its future stability. This appears assured in the near term, but Turkey must win the ongoing challenges of the threats of Islamic fundamentalism and terrorism, particularly from the PKK, and the need for democratic reform. In this regard, I'd like to make a couple of observations about domestic politics.

First, the secularist mainstream in Turkish politics--about 80% of the public to judge from last year's nationwide local elections, as well as from ongoing poll results--remains very concerned about the rise in public support for the pro-Islamist Welfare Party, or Refah Party, in Turkish. Indeed, it should be noted that Refah's share of the vote total has increased in every Turkish election since the return to civilian rule in 1983. There are various explanations for Refah's persistent position at or near the top of the polls. Some see it as a rejection of the corruption of many secularist politicians. Others say that the de-ideologization of the left in Turkey--particularly, the willingness of the moderate left to serve as a junior partner in a government led by the right--has established the

Islamist party as the only party demonstrating sympathy for the downtrodden and impoverished and thus the only vehicle of protest for the poor. Nevertheless, it is also clear that Turkish politicians believe that there is a revival of traditional religious values in Turkey that could also explain the sustained popularity of the Islamists. Several Turkish politicians, including Mrs. Ciller, have held publicized meetings with a liberal, avowedly pro-democracy religious leader in an effort to channel religious sentiment in a positive direction. After signing the customs union agreement with the European Union on March 6, Ciller reassured the nation that the agreement would not lead to the undermining of traditional Turkish values; obviously , that she issued such a reassurance demonstrates her sense that traditional values are important--and increasingly so--to the Turkish nation.

Most of the secularist parties have indicated they will not go into coalition with the Refah Party after the next national elections, which must be held by fall 1996. But ongoing disputes on both the right side and the left side of the Turkish political spectrum will no doubt make coalition formation very difficult; a one-party majority is a rare thing in Turkish politics. The challenge will be for the secularist parties to overcome their differences and coalesce to assure an all-secularist government. I'd note that a predecessor party to Refah took part in three different governments during the 1970s.

Turkish leaders emphasize that the pro-Islamist and anti-Western forces will be the big winners if Turkish accession to the customs union with the EU is not ratified by the European Parliament. It is true that making that argument makes tactical sense from the Turkish point of view, particularly with Europeans increasingly concerned about Islamic fundamentalism. Still, the argument is advanced sincerely, I believe, and, more important, it makes sense. If Turkey is rejected from the customs union, those like Refah who have opposed Turkish integration with the West and have said that the West will never accept a Muslim-majority state--they will have acquired a powerful new talking point.

Second, a word about human rights, specifically Article 8 of the anti-terrorism law, and related public attitudes. Repeal of the now-famous Article 8, which prohibits "propaganda that threatens the indivisible unity of the state," was a centerpiece of the human rights program proposed by the Ciller government earlier this year.

Sensing political difficulties with repeal, Turkish government officials are now saying that they will try to modify, rather than repeal, Article 8. But recent soundings in Ankara suggest the Turkish leadership now believes it likely will be unable to take even that desired action before the end of the year--that is, not before the currently planned time of the European Parliament vote on Turkish customs union. Most observers believe that Turkish action on Article 8 is crucial to European Parliament approval.

The good intentions of the Ciller government on this issue should not be doubted. The government fought considerable opposition before

finally passing a package of seventeen constitutional amendments in July, as referred to by Assistant Secretary Shattuck.

Rather, the apparent difficulty on Article 8 illustrates the degree of polarization in the Turkish body politic over PKK terrorism and the Kurdish issue. Many Turkish politicians feel that Article 8 is an important instrument -- either substantively or symbolically or both -- in the struggle against terrorism. Moreover, they feel its repeal or circumscription would project weakness and further embolden the PKK. One Turkish opposition leader frames the question thus: How can Turkey change article 8, and therefore abet terrorism, at the same time it is sending its sons off to die in the southeast? Much of the Turkish public is responsive to that point of view. The emotional dimension of this issue shows the difficult task ahead of PM Ciller and her government in fulfilling their pledge to alter Article 8 in a meaningful way.

This polarization is obvious in other ways. To the surprise of outsiders, certain seemingly dispassionate phrases--such as "Kurdish problem," or "political solution," or "Kurdish minority" -- are often heard by Turks as synonyms for separatism. A recent study about the Kurds sponsored by the Turkish Chamber of Commerce was more heatedly debated for the motive of the author than for the content of the study's findings.

Despite this passion and polarization, there is some grounds for optimism. The Turkey of the 1990s is a far more open democracy than ever before. The taboo on discussing the particular concerns of what the Turkish press and politicians call "Turkish citizens of Kurdish origins" -- indeed, the taboo on the use of the word"Kurd" -- has ended. That taboo persisted almost from the beginning of the Turkish Republic in 1923 until then-President Turgut Ozal and then-Prime Minister (now President) Suleyman Demirel broke the ice in 1991. Of course, as we all know, Ankara is still dealing with the implications of Demirel's December 1991 declaration that Turkey "recognizes the Kurdish reality." And it is important that Turkey work through those implications.

As Turkey makes its difficult transitions through democratic reform, we should remember that it is a loyal friend and ally, and that it deserves our full support, at a minimum, in the battle against terrorism and in defense of its territorial integrity.

ADDITIONAL QUESTIONS FOR ALAN MAKOVSKY

What role can Turkey play in the Middle East peace process given its close relations with the US, Israel, and many Arab nations?

Turkey has been very supportive of the Middle East peace process, both rhetorically and in practice. Its main contributions fall into two main categories: support for the Israeli-Palestinian peace track, and support for and participation in regional integration efforts.

In the former category--support for the Israeli-Palestinian peace track--Turkey attended the October 1993 "Conference to Support Middle East Peace" in Washington and pledged $52 million to aid Palestinian economic development. Turkey has reportedly made good on that pledge, with $2 million in grant aid and $50 million in trade credits.

In addition, it has established itself with both Israel and the Palestinians as a trusted interlocutor, particularly since the warming of Turkish-Israeli ties that followed the September 1993 Israel-PLO Declaration of Principles. As proof of this, both Israel and the Palestinians nominated Turkey to be a member of the "Temporary International Presence" (TIP) group that was envisioned, according to the terms of the May 1994 Gaza-Jericho agreement, to observe implementation of that agreement; Turkey was the only Muslim-majority state so nominated. (In fact, the article of the agreement regarding the TIP was never implemented and the TIP never formed, but the provisional invitation to Turkey nevertheless represented a statement of confidence in Ankara by both the Israelis and the Palestinians.)

In the latter category--regional integration efforts--Turkey has been an active participant in the multilateral negotiating track, that is, the little-publicized discussions of regional issues that involves Israel, the Palestinians, over a dozen Arab states, and more than two dozen non-Middle Eastern states (the so-called "extra-regionals," including the United States). Although Turkey participates in the multilaterals as an extra-regional, it carries extra weight because of its proximity to the region and its experience, as a European state, with the Conference on Security ansd Cooperation in Europe (CSCE) and the Conventional Forces in Europe (CFE) agreement.

Turkey has been particularly active in two of the five multilateral working groups, the Refugees Working Group (RWG) and the Arms Control and Regional Security Working Group (ACRS). Turkey hosted an RWG plenary in December 1994. In ACRS, Turkey serves as "mentor," or chairman, of the sub-group on "Exchange of Military Information and Prenotification of Certain Military Activities," a role it was asked to play specifically because of its experience in East-West issues.

In addition, Turkey has frequently spoken out about the benefits of regional integration, particularly in the economic sphere. In 1994, Turkey endorsed the idea of

establishing a CSCE-like regime in the Middle East. That idea, proposed by Israel and Jordan, is known as "CSCME," or "Conference on Security and Cooperation in the Middle East." Turkey has also been an enthusiastic backer of the Middle East/North Africa Economic Summits, held in Casablanca, Morocco in 1994 and in Amman, Jordan this year. In 1994, Prime Minister Ciller led the Turkish delegation--she was one of the few heads of government present--which reportedly included over 100 businessmen. The Summits, although not strictly part of the multilateral process, attract participation from virtually all the Middle Eastern and non-Middle Eastern states that participate in the multilaterals.

Beyond the Palestinian track and regional integration efforts, there are other contributions that Turkey can make to the peace process. In particular, Turkish water may be an important source for the water-needy areas of the Middle East. Israeli-Syrian peace, for example, could be facilitated by an external water source, for which a Turkish source would be an obvious candidate. Over the years, Turkey has made various proposals to send water to the Middle East via pipeline.

Why has Turkey been unsuccessful in dislodging the PKK from Syria given the fact that Turkey controls a very substantial flow of Syrian water resources?

Turkey reached agreement with Syria in 1987 to maintain a Euphrates River flow of 500 cubic meters per second at the point of its entry into Syria. In exchange, Syria pledged not to support anti-Turkish terrorist groups. Turkey has kept its end of the bargain; Syria has not. Syria continues to let the PKK operate a training camp in Lebanon's Syrian-contolled Bekaa Valley, to use Turkish territory to stage attacks on Turkey (both directly and via northern Iraq), and, reportedly, to provide living quarters to PKK leader Abdullah Ocalan.

(In January 1990, Turkey cut the flow of the Euphrates for one month while it filled its newly-completed Ataturk Dam. Ankara, however, gave both Syria and Iraq fair warning of the cut-off and made sure that both states received sufficient water, prior to the cut-off, to make up for the shortfall. Probably unsettled by the demonstration of Turkey's ability to affect the flow of the Euphrates--even though it did not result in the loss of water--Baghdad and Damascus both complained bitterly and succeeded in having the Arab League issue a statement critical of Turkey.)

Turkey is constrained from using the so-called "water weapon" by a number of factors. Probably most important among these is the great sensitivity about the water issue in the Middle East, as well as elsewhere. Were Turkey to halt the flow of the Euphrates strictly to punish Damascus or to coerce it to achieve a state purpose--even one as worthy as halting terrorism aimed at undermining Turkey'sterritorial integrity--heavy Arab and international criticism almost certainly would follow. Indeed, in 1993, then-Prime Minister Suleyman Demirel assured a Kuwaiti newspaper reporter that "there will be no water problem. We have not and will not harm our neighbors." Thus, at the

very least, a Turkish decision to use the water weapon would be very difficult, very controversial, and very risky.

Instead, Turkey has understandably chosen to focus on diplomacy, both with Damascus and with other states, particularly the U.S., that may be able to influence Syria to restrain the PKK. Probably an important concern of Ankara's is that the US not remove Syria from the list of state-sponsors of terrorism until the PKK problem has been resolved.

What are the implications of the fighting in northern Iraq between the PKK and the Iraqi Kurdish KDP?

PKK-initiated fighting in northern Iraq is almost certainly supported by the Syrians (whose border must be traversed by the PKK as it enters northern Iraq). The PKK initiative in northern Iraq reflects the PKK's desire to win and hold territory from which it can stage attacks into Turkey, to influence the Kurdish military and political situation in northern Iraq, and to punish Massoud Barzani's KDP, which has frequently cooperated actively with Turkey in trying to root PKK fighters and bases out of northern Iraq. For its part, Syria's motives are less clear. In addition to its traditional motive of using the PKK as a weapon against Turkey, Damascus is probably using the PKK to send a message to regional actors that it has resources to influence the sensitive situation in northern Iraq and to affect the outcome of the struggle for supremacy in post-Saddam Iraq.

What measures would you recommend that the Turkish government take to address the underlying sources of the Kurdish conflict?

Turkey's goal should be full rights of political, cultural, and linguistic expression for all its citizens. The process of reform to effect this, and the transition to pluralism, may take some time. The fact that Turkey has well-established and functioning democratic institutions, however, gives hope that this process will take place through non-violent--and, particularly, parliamentary--means. In the meantime, economic measures to improve the material conditions of southeast Turkey would contribute to stability.

Turkey is in the midst of a transition. Throughout most of its existence, it has officially viewed itself as ethnically homogeneous. Only since 1991 has the existence of a Kurdish minority been recognized. In 1991, the government made two important gestures. First, the parliament passed legislation repealing an earlier ban on the use of the Kurdish language. Second, newly-reelected Prime Minister Suleyman Demirel declared that Turkey "recognizes the Kurdish reality." With that declaration, Turkey turned an important corner. From that point on, Turkish officials ceased denying the

existence of ethnic minorities in Turkey; now, many Turkish officials describe their state as "multi-cultural."

It is understandable that this transition to a "new reality" is difficult, involving, as it does, profound adjustments by individuals in the way they were long educated to see themselves, their neighbors, and their state. Adding to the difficulty of this transition is the fact that it is occurring at the same time as Turkey has been forced to fight the terrorist-insurgency of the PKK. Many Turks fear that carrying out reform in such circumstances will be taken as a sign of weakness by the enemy PKK.

Despite the tragedy of the current fighting (over 19,000 dead) and well-known human rights abuses, there is good reason to believe that Turkey's Kurdish problem--and the larger issue of Turkey's full adjustment to a pluralistic society--can and ultimately will be solved through democratic means. In fact, there are signs that this process already is underway. This year, for the first time, an avowedly pro-Kurdish rights party is contesting a national election; the Alevi community, a sizable minority (some 10-20% of Turkey's population) that adheres to a heterodox version of Islam, has now been formally recogized by the government for the first time and is fielding independent, but avowedly pro-Alevi, candidates in the election; and a Kurdish cultural foundation has been given permission to operate in Istanbul. All of these developments mark significant steps away from traditional political orthodoxy.

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Testimony by Human Rights Watch/Helsinki Researcher Christopher Panico before the Helsinki Commission

September 19, 1995

Introduction

The human rights situation in Turkey in 1995 remains poor, although the overall numbers of some abuses decreased in the first seven months of 1995 compared with 1994. The armed conflict between the PKK and government forces in the largely Kurdish-populated southeastern Turkey, where most abuses occur, entered its eleventh year. While Turkey faces a legitimate security concern from the PKK, an armed group that regularly violates international humanitarian law, government attempts to address that threat habitually violate basic rights of Turkish citizens. Serious, flagrant abuses such as death-squad style killings and death in detention continue, albeit at a reduced rate from record levels in 1993 and 1994. Security forces continue to forcibly depopulate villages in southeastern Turkey in their counter-insurgency campaign against the PKK. Torture remains systematic, especially in political cases, and the problem of disappearances while in police detention or under suspicious circumstances forced Turkish human rights groups to mount an awareness campaign this summer.

While the government of Prime Minister Tansu Ciller made promises to improve the human rights situation, most actions -- like the Constitutional amendments passed this July -- were directed at moderate attempts to increase overall democracy, rather than focused, active efforts to end abuses like disappearances and summary executions. There were, however, some frank public statements from government officials, such as Justice Minister Mehmet Mogultay's April acknowledgment that extrajudicial killings do take place in Turkey and Human Rights Minister Algan Hacaloglu's criticism of a deadly house raid in which police appear to have summarily executed three suspects. But such positive statements seemed at times to be negatively balanced by utterances by figures such as the Director General of Police Mehmet Agar or Istanbul Security Director Necdet Menzir. In June, Menzir complained about "certain atheists" in the government who complain about human rights abuses, a remark believed to be directed at Hacaloglu. In July, Agar said that "while my police officers and soldiers become martyrs, they have no right to mention human rights." While any effort to increase democracy should be welcomed, we would hope that, given the scope of the problem, the Turkish Government would make a

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more determined effort to tackle human rights abuses that violate both Turkish law and hinder its self-avowed goal of becoming an integral part of the European Community. We believe that Turkish citizens deserve more than the "minimum standards of democracy" mentioned in the Prime Minister's June 1995 address to the Western European Union.

In January, for example, Prime Minister Ciller vowed to bring Turkey in line with the European Human Rights Convention, including amending Article 14 of the constitution, which broadly limits rights and freedoms that aim to violate the "indivisible unity of the state" and has been used as the constitutional basis for laws that restrict free speech and imprison writers and journalists. In an April visit to the United States , she vowed to enact a "democratization package" that had stalled in 1994 in parliament and specifically mentioned changing Article 8, a notorious law that punishes free speech and has sent scores of Turkish writers to jail. After weeks of debate, in July Turkey passed several amendments to its restrictive, coup-era 1982 constitution, the first time a civilian government--and not the military--has changed Turkey's fundamental law. But these amendments, while increasing some real freedoms such as allowing academics and students to join political parties and permitting trade unions to collaborate with political parties (Article 52), did little or nothing to address chronic human rights violations. Article 14, as well as Article 13, which is similar to it, were not abolished. While Ciller has promised to amend Article 8 this fall, the powerful Turkish military publicly voiced its opposition to this step, though acknowledged they would abide by the politicians' decisions. There are fears that should Article 8 be amended, it will be replaced by existing articles of the Turkish Penal Code, such as Article 312, that also has been used to punish free expression. This occurred in reverse in 1991, when the Anti-Terror Law replaced three restrictive articles of the Turkish Penal Code, outlawing Communism, Kurdish separatism, and fundamentalism.

Why the Drop in Abuses?

There was a significant drop in some certain human rights abuses committed in Turkey in the first seven months of 1995 when compared with abuses in 1994. According to the Turkish Himan Rights Foundation, the picture is as follows:

Death Squad-Style Killings (So-Called Actor Unknown Killings):

1995 (to July 31)	98
1994	423

Deaths in Detention

1995 (to July 31)	5
1994	34

Executions without Trials (Including Police House Raids, Shooting at Demonstrators, Indiscriminate Fire)

1995 (to July 31)	55
1994	129

Disappearances While in Police Custody or Under Suspicious Circumstances (1995 figures from Amnesty International)

1995 (to July 31)	16

Most likely a combination of factors are responsible for the drop in abuses in 1995. The changed nature of the conflict appears to have contributed to the decrease in some abuses, such as death squad killings. After three years of almost non-stop armed conflict in southeastern Turkey between the outlawed PKK and government security forces, the political and actual landscape of the area where most abuses occur has changed radically. Pro-PKK villages in rural southeastern Turkey that were home to rebel sympathizers, one of the death squads' prime targets, have been forcibly depopulated. Active political life in the region, both legal and illegal, has also been curtailed. Many activists for pro-Kurdish parties, like the banned DEP or PKK organizers, have either left the area, been killed, imprisoned, or gone underground. Local human rights monitors no longer operate in most cities in southeastern Turkey. In short, the number of targets has been reduced.

Government actions may also be responsible for the drop in these killings. In 1994 and 1995, the government arrested sixty-four members of an Islamist extremist group and charged them in at least seventy-six death squad-style killings. While this is encouraging, questions still remain about allegations of collusion between security forces and individuals involved in death squad-style killing. Some of these allegations appeared in an April 1995 Turkish Parliamentary Report.

Increased Western pressure from both the United States government, the E.U., and IGO's also seems to have had some effect on the Turkish Government as Turkey seeks to enter the E.U. customs union. One real effort to end human rights abuse by the government seemed to come under threat by an IGO. In March, Prime Minister Ciller issued a memo to the Interior Ministry ordering it to ensure that due process is afforded to detainees, that prisoners in pre-trial detention are registered to prevent disappearances, and that "any equipment allowing ill-treatment (if there is any)" be removed. It was reported, however, that she issued the order to prevent publication of a report of the European Commission for the Prevention of Torture (CPT) following an October 1994 CPT visit to Turkey. In December 1992, CPT, whose work is usually confidential, issued a report criticizing systematic torture in Turkey and setting forth specific recommendations to help end torture. There have also been a couple of cases in 1995 where police alleged to have committed abuses were quickly charged with offenses, though the past track record of prosecution of abusive police is poor. In the past three years, only sixty police have been found guilty of torture and maltreatment, in spite of thousands of claims of torture and police abuse.

Freedom of Expression

Freedom of expression in Turkey also suffered notable setbacks in 1995. While the mainstream press and television was often a lively forum for debate, some efforts by journalists, authors, and intellectuals to discuss the Kurdish issue, human rights abuses by security forces, or the armed conflict in southeastern Turkey are met with severe repression, including censorship, imprisonment and torture of journalists and writers, and banning papers. As in the past, the main legal obstacle to free expression remained the 1991 Anti-Terror Law, especially Article 8, which punishes so-called "separatist propaganda" and forbids all forms of expression, "regardless of method, intention, and ideas" that would damage the "indivisible unity" of the Turkish state. By

mid-1995, approximately 2,000 cases awaited trial under Article 8 in State Security Courts (*Devlet Guvenlik Mahkemesi).* At present, at least one hundred individuals are believed to be serving jail sentences for their nonviolent expression. Last year, there were government attempts to amend the law that were unsuccesful. This year, Prime Minister Ciller vowed again to amend Article 8, and in August the prosecutor in a case against ninety-nine leading intellectuals charged under Article 8 for publication of *Freedom of Thought and Turkey (Dusunce Ozgurlugu ve Turkiye)* accepted the defendants' arguments that Article 8 contradicted international convictions and appealed the constitutionality of the law to the Constitutional Court. Other legal instruments used to punish ftee expression include Article 312 of the Turkish Penal Code, which outlaws "agita[tion]....through racial, social, religious, or sectarian basis" and Law #5186, the "Law to Protect Ataturk," which is often directed against Islamists.

Even Turkey's most famous writer, Yasar Kemal, was charged in January under Article 8 of the Anti-Terror Law for an article, *Campaign of Lies, (Yalanlar Seferi)*, that first appeared in the German-weekly *Der Spiegel* and was subsequently published in the Turkish press. Other mainstream press figures also faced criminal prosecution. In August, journalist-writer Ahmet Altan was tried under Article 312 for an article, "Atakurt," that appeared in April in the respected Istanbul daily, *Milliyet.* The article posits the existence of a land called "Kurdiye", where Turks must demand their rights. The widely popular Mehmet Ali Birand, head of the news program *Thirty Second Day (Otuz Ikinci Gun),* along with two other journalists were tried in a military court for a show they produced on the extension of military service. Sentenced to five months imprisonment in November 1994, an appeals court overturned the journalists' sentences in March. In June, the military court decided to retry all three.

Both main pro-Kurdish dailies, *Ozgur Ulke (Free Land)* and its successor, *Yeni Politika (New Policy),* faced attacks and government censorship and restrictions. Journalists were detained, threatened, jailed under Article 8 of the Anti-Terror Law or Article 312 of the penal code, and tortured. In at least one instance, a *Yeni Politika* reporter, Sayfettin Tepe, died on August 22 under suspicious circumstances in police custody. In a November 30, 1994 memo leaked to the press, Prime Minister Tansu Ciller called for increased legal action against *Ozgur Ulke*. On December 3, 1994, bomb blasts struck *Ozgur Ulke*'s offices in Istanbul and Ankara, killing one and causing great damage. The memo, while targeting papers like Ozgur Ulke for legal measures, in no way mentioned violence. In February, authorities closed *Ozgur Ulke* under Article 2 of Turkey's press law which forbids banned publications to publish under a new name. The court ruled that *Ozgur Ulke* was the continuation of *Ozgur Gundem*, banned in 1994. In August, *Yeni Politika*, was shut down under the same statute. Of the 126 issues of *Yeni Politika* published, 117 had been confiscated and censored during its brief, four month existence. While partisan, both papers offered coverage of the conflict in southeastern Turkey, which is otherwise under-reported in the Turkish press. Other radical, Kurdish, or left-wing publications such as *Atilim, Medya Gunesi, Alinteri, Kizil Bayrak, Kurtulus, Ronahi, Ozgur Halk, Roj, Direnis, Ozgur Gelecek, Starke Rizgari,* faced similar obstacles. Publishers of leftist or Kurdish-topic publications, such as Unsal Ozturk of *Yurt* Publishing and Aysenur Zarakolu of the *Belge* house, were jailed or received new sentences under Article 8 for other cases in 1995.

Kurdish-based Parties

Repression against Kurdish politicians also continued. On December 8, 1994, seven deputies from the banned Democracy Party and one independent were found guilty on a variety of charges ranging from "participating in armed gangs," "knowingly giving comfort to armed gangs," and making "separatist" propaganda. Two were released for time served in pre-trial detention, while Hatip Dicle, Ahmet Turk, Orhan Dogan, Leyla Zana, and Selim Sadak were given prison terms of fifteen years and Sedat Yurttas received seven years. In September, the Turkish Constitutional court rejected an appeal by lawyers for all of the former DEP parliamentarians to reinstate them under amended Article 84 of the Turkish Constitution. Previously under Article 84, all parliamentarians from a given party lost their seats when that party was banned; under the amended Article 84, only those parliamentarians who caused the banning are evicted from parliament.

HADEP, the successor party to DEP, also faced difficulties. Party administrators and members were arrested and put on trial for alleged links with the PKK, and in some cases tortured. Five HADEP members were murdered in death squad style killings during the first eight months of 1995, bringing to twelve the number of members murdered since HADEP's founding in May 1994. In June, a trial was launched to close the "Democracy and Change Party", headed by the former head of HEP, the party that preceded DEP, because the party "demanded cultural rights for Kurds," which the prosecutor's office perceived as separatist.

Death-Squad Murders

Death squad-style assassinations (so-called *actor unknown murders*) continued in 1995, albeit at a lower level then in the past three years when a total of 1242 individuals fell victim to such attacks. (In 1994, 423 people were killed.) Between January 1 and August 1, 1995, ninety-eight killings were recorded. Typically, the victim is attacked on the street, usually with a pistol or sometimes with a knife. Targets have included PKK members and sympathizers, HADEP (the pro-Kurdish People's Democracy Party) party members--at least six were murdered this year--and journalists, especially of radical or Kurdish party papers. Members of two rival wings of a militant Islamist group, Hezbullah, have been both victims and perpetrators. They are believed to have carried out many attacks, but have also murdered each other in internecine fighting.

Over the past four years, substantial evidence has accumulated pointing towards collusion between perpetrators of death squad attacks, such as Hezbullah, and security forces, especially in southeastern Turkey. Government efforts to bring the guilty to justice have been lax at best, with convictions in only a minority of the more than one thousand murders. One area where major arrests have been made, however, is against Hezbullah members suspected in these attacks. In June, twelve Hezbullah members were arrested in Mardin and charged in thirty-seven murders; a month later, an additional fourteen Hezbullah militants were arrested in Adana and charged in numerous killings, including those of five HADEP members murdered this year. In 1994, forty-eight Hezbullah members were arrested and charged in thirty-nine killings. While these arrests are welcome, they do little to uncover credible allegations of police involvement. This spring, for example, a draft of a report prepared by a Turkish Parliamentary Commission on "Actor Unknown Killings" (*TBMM Faili Mechul Cinayetleri Arastirma Komisyonu*) and leaked to the press contained information alleging a connection between death squad killings and security forces.

Disappearances while in police custody or after being detained by unidentified individuals or those identifying themselves as police also continued to plague Turkey, though at a reduced rate. In June, the Turkish Human Rights Association (HRA) began a campaign to draw attention to the problem of disappearances. According to its figures, in 1994 there were 328 reported disappearances. According to the Turkish Human Rights Foundation, forty-five people were confirmed to have disappeared in mysterious circumstances or while in police custody in 1994. The HRA reported seventy-seven claims of disappearance in the first three months of 1995, while Amnesty International reported sixteen likely disappearances between January and July 1995. Turkey's restrictive Code of Criminal Procedure (*CMUK*) exacerbate this problem. Passed in 1992 and hailed by the Turkish government as a great reform because it reduced the period of detention for ordinary criminals to twenty-four hours, *CMUK* still allowed suspects for crimes under the venue of State Security Courts to be held fifteen days before being brought before a judge or allowed to contact a lawyer. Those detained in the ten provinces in southeastern Turkey under emergency rule can be held thirty days. In August, the Interior Ministry announced that a network of centers would be set up to allow family members to locate detainees, but it is too early to indicate if this announcement has done anything to alleviate the problem, and questions arise whether the organization involved in these abuses can police itself.

Three disappearances in particular came to the forefront in 1995. In October 1994, Huseyin Koku, a HADEP party administrator in Elbistan, Maras province, was detained in broad daylight by police on the city's main street. Police initially acknowledged his detention, then denied it. His body, which had signs of torture, was discovered in April 1995 near Malatya. On February 15, Ridvan Karakoc, an alleged PKK member, was reportedly detained by police in Istanbul. His corpse was discovered on March 2 in the Buzhane village of Beykoz, near Istanbul. An autopsy indicated that he had been garroted with a wire after being burned and having some of his teeth broken. Hasan Ocak, a cafe owner in Istanbul who had been active in leftist politics, disappeared on March 21. Although police denied having detained him, two individuals indicated that they saw him at the Anti-Terror Police headquarters in Istanbul. His body was discovered on March 26 in the same area where Karakoc was discovered. Ocak also died from garroting. The Ocak family found Hasan's body in May buried in a pauper's grave after a lengthy search.

Death in Police Custody

There were also at least five deaths in police custody under suspicious circumstances in the first seven months of 1995. According to the Human Rights Foundation of Turkey, thirty-four people died in police custody in 1994. Police officials often claim that an individual committed "suicide," though autopsy reports usually indicate severe torture. Past trials against abusive police have generally been slow in coming, lasted years, and ended in light sentences or aquittal. In at least one case in 1995, however, the Elazig Public Prosecution office in August quickly charged eight police with torturing Sinan Demirbas to death on July 20.

Excessive Force by Security Forces

Police in Turkey continued to use excessive force in performing their duties in violation of both Turkish and international law. In mid-March, police in Istanbul fired into crowds of Alevi demonstrators, killing twenty-one individuals. While agitators from extreme left-wing organizations were active and rocks, bottles, and a few molotov cocktails were thrown, police

faced no mortal threat and none were wounded by gunfire. Alevis, members of a liberal off-shoot of Shia Islam and an estimated 30 percent of Turkey's population, were protesting a March 12 armed attack by extreme right-wing groups against coffee houses frequented by Alevis and leftists that left two dead and scores wounded. Although Prime Minister Ciller visited the scene, she blamed a "provocation planned abroad" for the incident. Her coalition partner at the time, Social Democrat Hikmet Cetin, blamed poor police handling of the incident and stated that casualties increased only after the police intervened. The district police chief was removed from his post shortly after the shootings, and in July the trial of twenty police officers alleged to have used firearms during the demonstration "exceeding the limits of defence and obligation" began in Istanbul. Several demonstrators were also charged with provocations and membership in an outlawed Marxist organization (MLKP-K), but they denied guilt and stated that they had been tortured in custody.

There were also several incidents in both southeastern and other areas of Turkey where police, the army, or the gendarmerie fired at vehicles at roadblocks or at individuals near military bases, alleging that they had not obeyed orders to halt. Several were killed. In one incident in early July in Tunceli province, so-called police special team (*Ozel Tim*) members fired wildly at civilians and civilian structures, causing damage and wounding at least one individual. The police also staged a demonstration against the Tunceli governor. After the incident many were reassigned, and it was announced that team members would receive human rights training. While this is a welcome development, special team members have routinely abused civilians since the units were organized in 1993 and this is the first time it has been publicly announced that they would be disciplined.

Police also continued to kill suspects under suspicious circumstances in house raids. While in some instances police and suspects exchanged fire and both suffered dead and wounded, in other cases it appeared that all suspects were killed even though no return fire was reported. On January 12, four students were killed in a raid against a house in Diyarbakir. While police claim the residence was a base for *Dev-Sol* (Revolutionary Left) militants, others allege that the four were ordinary students and that there had been no armed clash. After a house raid on April 12 in Ankara left three suspected Dev-Sol members dead , the Turkish Minister for Human Rights, Algan Hacaloglu, stated, "this is an extrajudicial killing." Lawyers who examined the scene stated that the three had been killed after being placed on the floor, and an autopsy revealed more than sixty bullets in the bodies.

The Cooflict in Southeastern Turkey

Armed conflict in southeastern Turkey between government forces and the *PKK* continued. Combined Turkish army and police forces continued major military operations against the PKK, including two incursions by the army into northern Iraq. The Turkish military also continued its policy of forced evacuations of rural settlements in southeastern Turkey to deprive the PKK of its logistic base: by the end of 1994, eleven years after the conflict started, official figures put the number of totally or partially depopulated villages and hamlets in southeastern Turkey at 2,664. Torture, disappearances, and detentions often accompany evacuations. While the government states that villagers are removed for their own protection, the majority of cases indicate that forced evacuation is meant as a punishment for refusing to enter the village guard

system or for aiding the *PKK*. In 1995, Human Rights Watch/Helsinki received reports about forced evacuations in Mardin, Diyarbakir, Hakkari, Tunceli, Bitlis, and Siirt provinces. There were also allegations of a food embargo against villages in Tunceli province by which security forces limited the amount of food villagers could bring back to their homes. The state-sponsored village guard program also grew, reaching a new level of 69,000 members. Villagers guards, a civil defense force, have been implicated in various killings and illegal behavior. In late 1994, Prime Minister Ciller announced a plan to create in southestern Turkey "central villages," larger settlements provided with public services, for individuals who lost their homes. Little has been achieved in the project to date, however. In August, the Human Rights Minister stated that in 1996, some villagers would be allowed to return to their homes and would receive two heads of livestock and aid in rebuilding homes.

PKK and Other Illegal Armed Groups

For its part, the *PKK*, the outlawed Workers Party of Kurdistan, which has been conducting an armed campaign in southeastern Turkey since 1984, continued abusive behavior that has characterized its actions in the past. In spite of the group's December 1994 claim that it would abide by the Geneva Conventions, the *PKK* in 1995 continued to kill civilians, especially in villages that chose to form village guard units (*koruculuk*), execute so-called "state supporters", and plant bombs in non-military targets, and kidnap journalists and tourists whom they later release unharmed. Through August 4, PKK militants killed at least fifty-eight civilians. In a January raid on the village of Hamzali, Diyarbakir province, PKK militants killed fifteen civilians. In April, the organization executed the mayor of a district in Tunceli province. Another raid in August in Hatay province took the lives of eight non-combatants. The PKK is also believed responsible for a series of firebomb attacks that struck Turkish-owned businesses in Germany.

Illegal radical leftist and rightist groups continued their activities. Dev-Sol, executed imprisoned members and others on charges of "collaboration" with the state. The *IBDA-C* (Islamic Great East Raiders Front) were responsible for several bombings this year, including one in mid-January that killed two individuals including Onat Kutlar, a well-respected writer and journalist, and another in August that took the life of a Romanian tourist. Radical activists of the legal National Action Party (*MHP)* were also involved in several politically-motivated murders, usually of leftists and Alevi.

Human Right Monitors in Turkey

Severe repression in 1995 impeded human rights monitoring in Turkey by both domestic and international groups. Human Rights Watch/Helsinki, however, has been able to continue monitoring in Turkey. Members of the Turkish Human Rights Associations (HRA), a decentralized, membership-based group legally registered and operating in most of Turkey's provinces, suffered detention, arrest, torture, and anonymous threats. Some of its offices were closed down for varying amounts of time. Staff and directors of the Turkish Human Rights Foundation (THRF), which runs a documentation center in Ankara publishing a daily human rights bulletin and an annual report and also operates four torture treatment centers in Istanbul, Ankara, Izmir, and Adana, were prosecuted solely for the nonviolent expression of ideas in THRF publications. The central leadership of of both the THRF and the HRA were faced with legal proceedings by the government. In late 1994, two separate trials under Article 8 of the Anti-

Terror Law started against the Chairman of the THRF Yavuz Onen and Research Director Fevzi Argun for a book they published on torture in Turkey, *File on Torture (Iskence Dosyasi)*, and another against three members of the HRA, including its Chairman, Akin Birdal, for publication of a book on Turkey's counterinsurgency campaign, *A Cross-Section of Burned-Down Villages (Yakilan Koylerden Bir Kesit)*. Both trials ended with acquittal in January. In September, prosecutors began an investigation against Birdal, Onen, and a third individual for publication and writing of a work, *A Present to Emil Galip Sandalci (Emil Galip Sandalci'ya Armagan)* under Article 159 of the penal code dealing with insulting the state or state officials. Both the HRA and the THRF operate legally and are duly-registered with authorities.

International groups also faced obstacles. In June, an Amnesty International researcher was deported from Turkey while conducting research in Adana. In 1994, Amnesty International's Turkey researcher was declared *persona non grata* by the Turkish government for alleged links with the outlawed PKK, a charge the London-based group completely denies.

Human Rights monitoring in southeastern Turkey was adversely affected when authorities arrested several Diyarbakir HRA officials, including the branch's secretary, Mahmut Sakar, in mid-December 1994, apparantly for publication of a book, *Emergency State Region Report 1992 (Olaganustu Hal Bolge Raporu 1992)* released that month. Since many of the HRA branch offices in Turkey's southeastern provinces can not function because of threats against members, the Diyarbakir office has become the center of human rights monitoring in the area. Police raided the office and seized four hundred copies of the publication; on December 29, a court ordered the Diyarbakir HRA branch closed for a month pending an investigation. In January, seven Diyarbakir HRA branch officials (three in abstentia) were charged with PKK membership and pro-PKK propaganda and the branch was ordered closed.

At the end of February, the Diyarbakir HRA office suffered another police raid, and five additional members were arrested, including Sinan Tanrikulu, a lawyer active in preparing cases to the European Commisstion on Human Rights. After this the office remained closed for nearly a month until HRA administrators from Ankara reopened the premise. At least two of the HRA members, including Tanrikulu arrested in the February raid, suffered torture and inhumane treatment in custody. In March, four of the five were charged with being members of the PKK, while one was released. In mid-April those on trial for the 1992 report were released from custody while their trial proceeded. On May 1, four of those arrested in February were released. Their trials also continue.

Other HRA branch offices were closed and members suffered arrest, torture, and phoned death threats. In January, police raided the Mersin HRA and seized 300 calenders. The Adana HRA, closed since September 1994, was allowed to reopen on February 2 after a trial against its leadership ended in aquittal. That same month, a bomb exploded in the building where the office of the Istanbul HRA chairman, Ercan Kanar, is located, and in March the home of Kanar and another Istanbul HRA member were broken into and illegally searched. March also witnessed the commencement of a trial against the chair of the Gaziantep HRA chairman for criticizing the military in a newspaper. In June, the former chairman of the Istanbul HRA, Eren Keskin, began serving a thirty month sentence for an article she wrote calling for a ceasefire between the PKK and government forces. In July, the Malatya HRA was closed because "an illegal publication"

was found at its office. In 1995, HRA chairmen in Hakkari and Tunceli were also detained and interrogated.

East or West? Turkey Checks its Compass

A Minority Staff Report
to the Committee on Foreign Relations
of the United States Senate

September 1995

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United States Senate
COMMITTEE ON FOREIGN RELATIONS
WASHINGTON, DC 20510-6225

September 15, 1995

The Honorable Jesse Helms
Chairman
The Honorable Claiborne Pell
Ranking Minority Member
Committee on Foreign Relations
U.S. Senate
Washington, DC 20510

Dear Senator Helms and Senator Pell:

On behalf of the Committee on Foreign Relations, we traveled to Turkey from August 17 through 25 to examine the wide range of domestic, regional, and U.S.-Turkey bilateral issues. In particular we looked at the domestic political situation, including the democratization law, religious versus secular influences, the human rights situation, particularly in relation to the Kurds; issues related to Turkey's accession to the European Union's Customs Union; regional issues, including Cyprus, maritime boundaries and other issues related to Greece; the blockade of Armenia; the oil pipeline route from Azerbaijan; and Bosnia.

Michelle Maynard visited Istanbul and Ankara and George Pickart joined her in Diyarbakir and Incirlik after a separate trip to the Middle East. We met with Turkish civilian leaders at the central and local level, military officials, opposition leaders, Kurds, religious leaders, Turkish and U.S. journalists, academics, local citizens, human rights activists, U.S. and foreign diplomats, and U.S. military officials.

We are grateful to Ambassador Marc Grossman and his staff in Ankara. Their cooperation was instrumental to this report. We would particularly like to thank Foreign Service officers Richard McKee, Stephen Kimmel, Janice Weiner, and Joseph Pennington as well as Foreign Service National Hamza Ulucay for their assistance.

The conclusions in this report are our own, and do not necessarily reflect the views of the Committee on Foreign Relations or its Members.

Sincerely,

Michelle Maynard
Minority Professional Staff
for Europe and the NIS

George Pickart
Minority Professional Staff
for the Near East and South Asia

Summary of Key Findings

●Turkey, which places a high priority on good relations with the West in general and the United States in particular, is an important U.S. ally in a dangerous and unstable neighborhood:

--Three of its immediate neighbors -- Iran, Iraq, and Syria -- are on the U.S. list of state sponsors of terrorism;
-- It is engaged in an economic and political competition with Russia for influence in and access to the resources of Central Asia and the Caucasus;
-- There is ongoing conflict to Turkey's north -- in Georgia and between Armenia and Azerbaijan. Turkey is not, however, a disinterested or neutral party; it is openly sympathetic to Azerbaijan's position, and although it has opened an air corridor to Armenia, Turkey maintains a road and rail blockade.
-- It continues to spar with Greece over Cyprus and other issues; in particular, a dispute over maritime boundaries in the wake of Greece's ratification of the Law of the Sea treaty threatens to bring Turkey and Greece into outright conflict.

●The Kurdistan Workers' Party (PKK) poses a grave threat not only to Turkey, but to regional stability as well. The PKK -- which employs deadly terrorist tactics against innocent noncombatants in Turkey and against innocent civilians elsewhere in the Middle East and Europe -- bears direct responsibility for much of the tensions in southeast Turkey and for prompting the recent Turkish invasions of Iraq.

●Operation Provide Comfort, the allied humanitarian and security operation in Northern Iraq, is a critical element of U.S. and Western strategies with regard to Iraq, and may be the only thing preventing tens of thousands of Kurds from pouring into southeastern Turkey. Although some Turkish officials recognize these facts and military officials at Incirlik have provided splendid cooperation to their British, French and American counterparts, other Turkish military and political officials (including parliamentarians) argue that Provide Comfort offers the PKK protection and cover in Northern Iraq. This rather schizophrenic view of Provide Comfort makes Turkey appear a reluctant participant in the allied effort, which Turkey has exploited to its advantage in dealings with its allies.

●In keeping with traditions established during the days of Mustafa Kemal Attaturk, Turkey has an almost paranoid fear of losing its Turkish identity. The government of Turkey accordingly is unable -- or unwilling -- to distinguish the genuine threat posed by the PKK from the legitimate rights and aspirations of the Kurdish people. As a result, Turkey refuses to engage in a political dialogue with nonviolent Kurdish representatives, and is executing a heavy-handed, indiscriminate military campaign to eradicate what it views as a monolithic threat to the unity of the country.

●The city of Diyarbakir, which symbolizes the ethnic difficulties that persist within Turkey, has become a haven for rural Kurds forced to evacuate neighboring towns and villages destroyed by the Turkish military. By some estimates, the city's population has grown from roughly 300,000 to more than 1,500,000 during the past five years. Although Turkish

officials, local residents, and some independent observers suggest that tensions have subsided during the past two years, it is evident that any existing calm is tenuous and the result of Turkey's overwhelming -- and at times oppressive -- security presence, which has exacted a high cost in terms of human rights violations.

●Turkey's government refuses even to acknowledge that there is a "Kurdish problem," and thereby is ignoring the real issue. By equating all Kurdish aspirations with the terrorist designs of the PKK, Turkey effectively has eliminated outlets for nonviolent Kurdish political or cultural expression. As a consequence, Turkey unintentionally may be contributing to the PKK's appeal.

●Turkey desperately wants to join the European Union's Customs Union, and is making some effort to meet the European Parliament's minimum demands regarding democratization and human rights in order to achieve membership. It may even make some modifications to Article 8 of the Anti-Terror law (which prohibits the advocacy of separatism). Turkey will not, however, take any action which it perceives as comprising the Turkish identity, so there are limits to the amount of genuine change it will make to make to gain membership in the Customs Union. It is equally unclear that the West would have much impact on Turkish behavior by withholding benefits such as Customs Union membership.

●Despite claims that it regards fundamentalism as a threat to its secular heritage, the government of Turkey appears to be encouraging and even sponsoring Islamic activities in an attempt to bind the country together and defuse separatist sentiments. Such a strategy -- which parallels efforts of governments in the Near East seeking to counter radical leftist groups during the 1970s and early 1980s -- could backfire and inadvertently provide a foothold for Islamic extremists.

A Dangerous and Unstable Neighborhood

Turkey, which places a high priority on good relations with the West in general and the United States in particular, is an important U.S. ally in a dangerous and unstable neighborhood. Senior foreign ministry and military officials are quick to offer a tour d'horizon to outline the hazards and threats surrounding them, and to suggest that Turkey, despite its flaws, is the only stabilizing force in the region -- the only game in town, so to speak. Ambassador Onur Oymen, the Under Secretary at the Foreign Ministry offered: "Although we may disagree and are criticized by some of our allies, we have to remember that our closest democratic neighbor to the east is Japan."

The litany goes like this: Three of Turkey's immediate neighbors -- Iran, Iraq, and Syria -- are on the U.S. list of state sponsors of terrorism. With the collapse of the Soviet Union, war has broken out on Turkey's borders -- with civil conflict in Georgia and an ongoing war between Armenia and Azerbaijan. Greece, as a NATO ally and a fellow democracy, in theory should be Turkey's closest ally, instead has come close to war with Turkey in recent months over maritime boundaries. The war in Bosnia, and the grave abuses against its Muslim population deeply affect Turkey, whose Ottoman ancestors after all, converted the Bosnians to Islam in the 15th century.

According to Oymen, Turkey's priority with regard to its three neighbors to the east is "to encourage them to give up terrorism against Turkey and Israel." All three of Turkey's rogue neighbors offer safe harbor to the Kurdistan Workers' Party (PKK), which is waging a terrorist war against Turkey, as well as to rejectionist Arab and other groups opposed to the Middle East peace process.

Iraq. Iraq is a particularly delicate issue. Operation Provide Comfort, the allied humanitarian and security operation in Northern Iraq, is a critical element of U.S. and Western strategies with regard to Iraq, and may be the only thing preventing tens of thousands of Kurds from pouring into southeastern Turkey. Turkish military officials at Incirlik recognize these facts and have provided splendid cooperation to their British, French and American counterparts. Other Turkish military and political officials oppose the arrangement and argue that Provide Comfort offers the PKK protection and cover and that it is leading to the establishment of an independent Kurdish state.

This rather schizophrenic view of Provide Comfort makes Turkey appear a reluctant participant in the allied effort, which Turkey has exploited to its advantage in dealings with its allies. In fact, the parliament's consideration of the renewal of Operation Provide every six months has become a ritual of suspense as parliamentarians and government officials warn each time that Turkey's patience with Provide Comfort has worn thin.

The U.S. often adopts a deferential approach to Turkey in part to ensure Ankara's continued cooperation with Provide Comfort. As a result, the United States has at times, appeared willing to overlook behavior that it would not tolerate under other circumstances. The challenge for the Administration is to convince Turkey that Provide Comfort is also serving Ankara's interests, and that the West, although appreciative, should not owe Turkey

any particular favors for its cooperation.

Turkish officials express concern about the "power vacuum" and lament the divisions among Kurdish leaders in Northern Iraq. At the same time, they oppose many political, economic and diplomatic initiatives to reconcile the Iraqi Kurds out of fear that they might lead to the formation of an independent Kurdish state in Northern Iraq.

Armenia and Azerbaijan. Turkey is not a disinterested or neutral party to the Nagorno-Karabagh conflict; due largely to historical and cultural ties, Ankara is openly sympathetic to Azerbaijan's position, and although earlier this year it opened an air corridor (which allows overflight of planes carrying humanitarian aid to Armenia), Turkey maintains a road and rail blockade. At the same time, Foreign Ministry and other government officials spoke of their desire for a better relationship with Armenia. They characterized Armenian President Ter Petrosian as "reasonable," but questioned the extent to which he can influence the outcome of the Nagorno-Karabagh conflict.

The opening of the air corridor is an important first step, but Turkish officials emphasize the need for Armenia to reciprocate. According to Ambassador Yalim Eralp, an Advisor to the Prime Minister, "some gesture [from Armenia] is expected -- not to us but to Azerbaijan." Turkish officials hinted at Turkey's willingness to "cooperate with Armenia" as soon as Armenia "begins withdrawing" from Azeri territory.

Greece and Cyprus. Both civilian and military officials expressed a desire to improve relations and to seek a solution to Cyprus, which Oymen characterized as a "human," rather than a political problem. "We should work at reconciliation," he said. "Time is working against the situation. The younger generations of Cypriots don't know each other. They have a different language and culture."

At the same time, Turkey has warned of a potential escalation in its competition with Greece. Lieutenant General Cetin Dogan, the Chief of Operations at the Turkish General Staff, recalled that Turkey has publicly stated that it would consider any Greek attempt to expand its maritime boundaries beyond 6 miles (as Greece is able to do under the Law of the Sea Treaty) a *casus belli*. Both Oymen and Dogan did speak of the common interest the two countries share in preventing a spread of the Balkan conflict even as Oymen suggested that the Turkish intervention on Cyprus "prevented another Bosnia in 1974."

Bosnia. Bosnia is the number one foreign policy issue in Turkey, with public opinion strongly in favor of a robust response to Bosnian Serb aggression. Because it is a link to two worlds, Ankara has been an important stop on U.S. Assistant Secretary of State Richard Holbrooke's mission to Europe to shore up support for the new U.S. initiative. Turkey's Bosnia policy sharply illustrates how Turkey is sometimes caught between those two worlds. In a show of Islamic unity, Turkey has voted with its fellow Organization of the Islamic Conference (OIC) members to lift the arms embargo on Bosnia. Press reports have suggested that Turkey has gone even further and that it actually provides arms to the Bosnian Muslims.

Russia and the Pipeline. Turkey's geographic position offers opportunities as well. Turkey is, in fact, engaged in an economic and political competition with Russia for influence in and access to the resources of Central Asia and the Caucasus. In particular, Turkey is vying for a pipeline which would transport oil from Azerbaijan to the West. With the Azerbaijan International Oil Consortium (AIOC) slated to make a recommendation on September 18 on the transport of "early oil" -- totaling approximately 5 to 6 million tons a year -- Turkey is actively lobbying for the oil to be transported through a pipeline transiting Georgia. The United States has an interest in the outcome of this decision as U.S. companies hold 43% of the 11-company consortium.

According to Dr. Emre Gonensay, Senior Advisor to the Prime Minister, Turkey would commit to putting up the $200 to $300 million necessary to upgrade the Georgia route, and to buying all the early oil transported through Georgia, which it would ship via the Black Sea and by rail to a refinery in Central Anatolia. By the year 2000, Gonensay said, Turkey would build a refinery on the coast to eliminate the need for rail transport. Responding to environmental and safety concerns, government officials have made clear that oil will not be shipped through the Bosporus, the narrow waterway separating the Asian and European sides of Istanbul.

Russia is also lobbying hard for the "early oil" to be transported via Russian lines to Novorossisk, a port on the Black Sea. Conventional wisdom suggests that whomever is awarded the early oil contract will be the prime contender for the main oil. Turkish officials acknowledge that Russia has a great deal of control over the process, and could make things difficult for other countries in the region as well as for the AIOC if Russia is not awarded the oil route. If Russia is cut out of the deal, Turkish officials fear that Russia could be uncooperative on other issues such as Nagorno-Karabagh. "The best outcome," according to Gonensay, "would be for Russia to give its blessing to the Georgia line. But there's not much hope of that." Short of that, Turkish officials favor splitting the early oil between Russia and Georgia. Gonensay warned that if AIOC relies strictly on the Russian line, they will "put their head into the Russian noose because Russia can close the valves at will."

Turkish officials believe that the promise of a main oil pipeline from Azerbaijan through Armenia to Turkey could offer an incentive for both Armenia and Azerbaijan to come to a settlement on Nagorno-Karabagh. Gonensay said that Turkey prefers a pipeline route through Armenia, but if fighting continues there, Turkey would be more than willing to build a route through Georgia if necessary. Gonensay argues that Armenia seeks to gain $400 million a year in tariffs alone if the Armenia route is chosen. One source cautioned, however, that even if the war in the Caucasus is solved, Turkey could face a problem within its own borders, if the main pipeline were to cross through PKK territory in the southeast.

The Kurdish Problem

In Diyarbakir, the largest city in Kurdish-inhabited southeast Turkey, local custom has

it that just beyond the walls of the old city lies the site of the Garden of Eden. In today's context, it is hard to imagine that Diyarbakir could have ever been considered paradise. It is dirty, overcrowded, and while shops and marketplaces appear comfortably full, there appears to be little employment opportunity. By some estimates, the city's population has grown from roughly 300,000 to more than 1,500,000 during the past five years. The city has become a haven for rural Kurds forced to evacuate neighboring towns and villages destroyed by the Turkish military, and as such it has become a symbol of the ethnic difficulties that persist in Turkey.

Diyarbakir -- like the country as a whole -- is caught between a vise, with the Turkish military on one side and the Kurdistan Workers' Party (PKK) on the other. It must not be overlooked that the PKK poses a grave threat not only to Turkey, but to regional stability as well. The PKK -- which employs ruthless terrorist tactics against innocent noncombatants in Turkey and against innocent civilians elsewhere in the Middle East and Europe -- bears direct responsibility for much of the tensions in southeast Turkey and for prompting the recent Turkish invasions of Iraq. Surprisingly, however, Turkish General Dogan did not include the PKK threat in his list of Turkey's greatest security concerns. When questioned about this, he said: "The PKK is a threat to Turkey's security, but it is not considered major threat because we have cracked down on the bulk of it."

As a result of the ethnic strife, Diyarbakir and nine other provinces in the southeast have been under a state of emergency for the past eight years. Turkish officials, local residents, and some independent observers suggest that tensions have subsided during the past two years, and there is anecdotal evidence to support such a claim. In prior visits to Diyarbakir, it was commonplace to see armored personnel carriers and other military vehicles patrolling the streets, machine gun-toting security personnel posted throughout the city, and checkpoints at main thoroughfares. During this visit, we saw only one checkpoint and witnessed many city residents on the streets after dark.

From these observations, one should not conclude that Turkey's policies and actions in Diyarbakir have been an unqualified success. It is evident that the existing calm is tenuous and the result of Turkey's overwhelming -- and at times oppressive -- security presence, which has exacted a high cost in terms of human rights violations.

Turkey, in fact, has an almost paranoid fear of losing or compromising its Turkish identity. The government of Turkey accordingly is unable -- or unwilling -- to distinguish the genuine threat posed by the Kurdistan Workers' Party (PKK) from the legitimate rights and aspirations of the Kurdish people. Contrary to how Turkish officials characterize the Kurds' desires, the overwhelming majority of Kurds with whom we met didn't speak of a separate Kurdish state or even a federation, but rather of their desire for an opportunity to express their "cultural identity" within Turkey. Turkey's government refuses even to acknowledge that there is a "Kurdish problem," and thereby is ignoring the real issue. Even U.S. Embassy officers admonished us not to speak of the "Kurdish problem" for fear of suggesting to Turkish officials that the U.S. supports a separate Kurdish state. Rather, we were encouraged

to refer to it as "the problem in the Southeast."

There is independent data which belies official Turkish views of Kurdish goals and aspirations. Our visit to Turkey coincided with the release of a study, authored by Professor Dogu Ergil and sponsored by the Turkish Chambers of Commerce, which contained polling results demonstrating that few Kurds advocate separatism, and that most want to continue to live within Turkey -- but to have greater cultural rights. The report continues to be the subject of a great deal of debate and discussion, with some Turks calling Ergil a CIA agent and others suggesting that the government may have had a role in sponsoring the report to test the level of public tolerance -- or even to lay the ground work for reforming the Anti-Terror law.

Even the notion of "cultural identity" is misunderstood by Turkish officials. One official who is close to the Prime Minister automatically equated calls for "cultural identity" with demands that Kurdish be declared an official language. He could not conceive that Kurds would be satisfied with something less -- such as being rid of the fear of prosecution and incarceration for speaking or teaching Kurdish, or for engaging in political discussions on Kurdish issues, or for publishing articles on the Kurdish identity.

As it executes its heavy-handed, indiscriminate military campaign, Turkey refuses to engage in a political dialogue with nonviolent Kurdish representatives. Yasar Kemal, Turkey's most famous novelist, and an ethnic Kurd, employed an image used by Mao to describe the Turkish General Staff's policy. "They are draining the lake to catch the fish," he said. In this process, Turkey effectively has eliminated most outlets for nonviolent Kurdish political or cultural expression. As a consequence, Turkey unintentionally may be contributing to the PKK's appeal. One Kurd who has been charged with violating separatism said: "The state doesn't make room for other groups to form...the Government only wants the PKK so it can show the west that it's a terrorist organization. The PKK is an excuse for Turkey not to recognize Kurdish rights."

A Dangerous Flirtation with Islam

Despite claims that it regards fundamentalism as a threat to its secular heritage, the government of Turkey appears to be encouraging and even sponsoring Islamic activities in an attempt to bring the country together and defuse separatist sentiments. Since Turks and Kurds share a common Islamic heritage, Turkey apparently is attempting to use religion to bind together the two ethnic groups. Such a strategy holds inherent risks. Several governments in North Africa and the Middle East, for instance, promoted Islamic groups as a counterweight to radical leftist organizations during the 1970s and early 1980s. Some of those Islamic groups now pose a direct threat to the stability of the very governments that promoted them. Turkey's flirtation with Islam accordingly could backfire and inadvertently provide a foothold for Islamic extremists and threaten Turkey's long history of secularism.

It would be interesting to determine whether or not Turkey's promotion of Islam contributed -- either directly or indirectly -- to the recent rise in prominence and electoral success of the Islamic Refah party. Such a determination was beyond the scope of our investigation, but would be well worth additional study and analysis.

The Price of Membership in the European Club

Turkey desperately wants to join the European Union's Customs Union, and is making some effort to meet the European Parliament's minimum demands regarding democratization and human rights in order to achieve membership. Turkey will not, however, take any action which it perceives as comprising the Turkish identity, so there are limits to the amount of genuine change Ankara will make to gain membership in the Customs Union. It is equally unclear whether the West would have much impact on Turkish behavior by withholding benefits such as Customs Union membership.

The European Parliament is scheduled to vote later this year on Turkey's membership in the Customs Union, yet Prime Minister Ciller has little room to maneuver as she addresses the issue. With Turkish general elections slated for sometime in 1996 -- most likely in the early summer -- Ciller's goal appears to be to do just enough to meet the EU's standards without alienating those within Turkey who would accuse her of buckling to Western pressure.

Turkey has already taken some first steps toward increased democratization. In July, by a vote of 360 to 32, the Turkish parliament adopted the first element of the Prime Minister's proposed reforms -- a package of constitutional changes which, among other things, lowers the voting age from 20 to 18, allows civil servants to form unions, increases the number of parliamentarians, and removes language from the constitution glorifying the 1980 military coup. Criticized by some as insignificant and for ignoring issues such as freedom of expression, abuses against political prisoners, and the Kurdish problem, others characterize the parliament's action as representing a willingness of the Ciller government to tackle constitutional changes -- the first such move by a civilian government.

The next chapter in the democratization debate is scheduled to unfold later this fall regarding the issue of Article 8 to the Anti-Terror law. That article, which prohibits words, acts or ideas which threaten the unity of the State, has been used to limit free expression and to charge and prosecute thousands of citizens. Government officials, including Yalim Eralp, Deputy Under secretary of Foreign Affairs and a senior adviser to Prime Minister Ciller, as well as David Barchard, of the Prime Minister's Press and Publications Directorate, spoke of the Prime Minister's determination to change Article 8 during the upcoming session of parliament.

The debate over Article 8 is inextricably linked to Ciller's future. Since 1993 she has led a weak coalition government consisting of her center-right True Path party

(D.Y.P.) and the center-left Social Democratic People's Party. Ciller is described by some as a pragmatist who is somewhat naive about the level of abuses occurring in Turkey -- and who lacks a burning desire to improve Turkey's human rights record -- except as the means to greater integration with the West. Others reject that characterization, and speak instead of her personal commitment to change, but her limited room to maneuver.

Sedat Ergin, the Ankara bureau chief of *Hurriyet*, one of Turkey's major dailies, and an astuto observer of Turkish politics, warned that deep opposition within Ciller's own party and its competitor, the Motherland Party, could stand in the way of real change. "If Turkey is actually admitted to the Customs Union," he argued, "Prime Minister Ciller's popularity would surge -- which is something both her opponents within D.Y.P. and in Motherland want to prevent" as Turkey heads into the next election cycle.

President Demirel, who is Ciller's predecessor as Prime Minister and Ciller's one time mentor, is officially supposed to be non-partisan, but in many respects he holds the key to the Article 8 debate. Ergin offered: "Everyone is looking for Demirel's message" on what to do regarding Article 8. Relations between Ciller and Demirel have soured since Ciller assumed office, and the two are engaged in what one high ranking official called a "blood feud." Accordingly, Ciller has to contend with Demirel loyalists within her own party as well as with members of the opposition Motherland party who support the goal of Customs Union membership but who nonetheless wish to deny the Prime Minister a victory.

One source close to the Prime Minister suggested that the government is considering two options with regard to Article 8: one to model it after article 18 of the German Penal code which circumscribes freedom of speech in a narrowly specific area (promoting Nazism) or two, to incorporate Article 8 into Article 311 of the Turkish Penal code -- an article which explicitly prohibits encouraging or instigating the commission of a crime.

There is a great deal of skepticism not only about whether Article 8 will be changed, but about whether any changes that are adopted will amount to genuine reform. Akin Birdal, the head of the Human Rights Association of Turkey said of the Article 8 debates: "the military sees itself as the authority to determine the legal life of Turkey." And the military, he suggested, opposes any change to the Anti-Terror law. Others spoke of the likelihood of "cosmetic changes" to Article 8, and offered that even if Article 8 is changed, there will still be other laws on the books that can be used to curb freedom of expression.

Eralp suggested that the actual text of Article 8 was not the real problem -- but rather that the language was interpreted too broadly by prosecutors and judges. Article 8 did not help combat terrorism, he said, but because of the terrorist threat, modifying it was unpopular and difficult. Eralp continued: "I object to the time limit of adopting these changes. Democracy is a lengthy process, and the Prime Minister doesn't have a magic wand." A high ranking government official did say, however, that if the Customs Union were approved, "democratic reform will definitely accelerate."

Eralp stressed that despite the focus on changing Article 8, the Prime Minister is also committed to other reforms -- namely local democracy legislation to give greater powers to the municipalities. He argued that this was the most important element of the reform program because it "would affect the daily life of the people." It is questionable, however, that such reforms will have so profound an impact or that they were high on the agenda of public debate. Under the current circumstances, with so many Turkish cities led by members of the Islamist Party (Refah), it is uncertain how willing the government would be to cede its powers to the municipalities.

In all the discussions we had about democratization, Eralp was the only person who suggested that decentralization was on the horizon. While the two mayors with whom we met -- in Diyarbakir and Istanbul (both of whom are members of Refah) -- spoke of their desire for greater authority over municipal matters such as garbage collection and local transportation, neither suggested that they expected any debate or discussion of this issue in the upcoming parliamentary session.

Another issue that the European Parliament is watching closely as it considers Customs Union membership is the fate of a group of parliamentarians who last year were stripped of their parliamentary immunities and charged with various offenses under the Anti-Terror law. One European diplomat serving in Ankara offered that it would be difficult for parliamentarians in Strasbourg to give a vote of endorsement to Turkey while fellow parliamentarians were serving time for political crimes.

According to the State Department's 1994 Human Rights Report, the preponderance of the prosecution's case against the deputies -- most of whom were members of the now banned pro-Kurdish Democracy Party (DEP) -- rested on speeches and expressions of opinions. According to the report, "eight defendants were convicted of a combination of charges, including dissemination of separatist propaganda, being a member of an armed society or band, and knowingly supporting such a band. The sentences ranged from 3 years and 6 months (suspended) to 15 years."

When asked about the government's plans for these parliamentarians, Erlap lamented that the European parliament "keeps changing the goalposts -- the constitution, the DEP parliamentarians, the laws in the southeast." He said that the court has ruled and that "there is nothing the government can do. If the Prime Minister did something, Turkey would no longer be a democratic or parliamentary regime." The counter argument, of course, is that it was the government that chose to bring charges against these parliamentarians, and that it is within the government's prerogative to seek changes in the laws used to prosecute the parliamentarians.

Ambassador Oymen admitted: "Changes in legislation are important, but we also need changes in practice -- in the security forces and in standards." That sentiment was echoed by human rights activists including Akin Birdal, who painted a bleak picture of a country where systematic torture, extrajudicial killings, and missing persons exist. The State

Department's 1994 Human Rights report corroborates Birdal's story: "The police and security forces often employed torture during periods of incommunicado detention and interrogation, and the security forces continued to use excessive force against noncombatants...the Government infrequently prosecutes police or security officers for extrajudicial killings, torture, and other abuses; in the cases which produce a conviction, lenient sentences were usually given. The resulting climate of impunity that has been created probably remains the single largest obstacle to reducing unlawful killing, torture, and other human rights abuses."

Even if Turkey, under the best case scenario, is able to meet the goals set out by the European Parliament by addressing Article 8 and the issue of the DEP parliamentarians, it is evident there will remain in place an infrastructure and culture conducive to significant abuse. Turkey would do well to consider the current debate over reform as a starting point, and not to see membership in the Customs Union as a final stamp of approval or an excuse for ending reform efforts.

Amnesty International Testimony on

Turkey - US Relations: Potential and Peril

Before the Commission on Security and Cooperation in Europe

September 19, 1995

20-151 - 96 - 5

Thank you for this opportunity to submit written testimony on human rights violations taking place in Turkey.

Amnesty International is a worldwide human rights movement independent of any government, political persuasion or religious creed which works for the release of "prisoners of conscience"-- men, women and children detained for their beliefs, color, sex, ethnic origin, religion or language, provided they have not used nor advocated the use of violence. The organization's one million plus members around the world work for fair and prompt trials for all political prisoners and the abolition of the death penalty and torture.

This testimony first summarizes our general concerns about human rights violations being committed in Turkey by both the Turkish government and the Kurdish Workers' Party (PKK). It then focuses on an area of increasing concern to Amnesty: the mounting evidence that U.S.--made equipment may be being used by the Turkish military to commit human rights violations.

Amnesty International's General Concerns

Amnesty International is concerned about the rapidly deteriorating human rights situation in Turkey, as evidenced by numerous accounts of torture, disappearances, extrajudicial executions, and detentions of people who simply express their views nonviolently. In February 1995, Amnesty International published a report, "Turkey: A Policy of Denial," that detailed Amnesty's concerns.

Many but not all of the human rights violations reported in Turkey occur in the southeast part of the country, where since 1984 the PKK has waged an armed conflict against the government of Turkey. In 1994 alone, over 3,500 civilians and combatants were killed as a direct consequence of the conflict. State of emergency legislation continues to be in force in the 10 southeastern provinces where the fighting is concentrated. Amnesty International is concerned about killings by both government forces

and the PKK, and has called on both sides to ensure that their personnel respect human rights and humanitarian norms as mandated by basic international standards.

Torture is widespread and systematic in Turkey, especially in police stations during the first few days of detention following arrest. At least 29 people died in custody allegedly as a result of torture in 1994. Methods of torture and ill-treatment include falaka (beatings on the soles of the feet), electric shocks, hosing with cold water under pressure, and being blindfolded and stripped naked.

Political prisoners and detainees routinely lack access to lawyers, family members and independent medical personnel while in police custody, even though the Turkish Criminal Procedure Code gives detainees the right to confer with legal counsel at any stage of investigation. In addition, two circulars issued in 1989 and 1990 by the Office of the Prime Minister instructed the Minister of Justice to allow detainees to secure the assistance of one or more lawyers, and to confer with their lawyers upon demand. Nonetheless, detainees are often held in incommunicado detention. (Political detainees are held 15 days in most regions of Turkey and 30 days in the southeastern provinces).

In the last few years, hundreds of political prisoners were sentenced to terms of imprisonment by State Security Courts in proceedings that did not meet internationally recognized standards for a fair trial. In particular, these courts continued to allow statements extracted under torture in police custody to be used in evidence, while making no attempt to investigate the torture allegations.

The number of disappearances increased in 1994. At least 56 people reportedly "disappeared" while in security force custody, more than double the number in 1993. There were also hundreds of political killings in the mainly Kurdish southeastern provinces, many in circumstances that suggested that the victims had been extrajudicially executed by the governments security forces. Many of the victims were journalists or members of the People's Democracy Party (HADEP), which campaigned for political rights for the Kurdish minority. For example, Muhsin Melik, a founder of the Sanliurfa branch of HADEP, was attacked and killed in June 1994. Before he died of his wounds he said that he

recognized the faces of three of his attackers, and that they were members of the police team that had been following him.

Hundreds of people were detained in Turkey in 1994 as prisoners of conscience. Turkish authorities often used Article 8 of the Anti-Terror Law, which outlaws any advocacy of separatism, to prosecute and imprison people for the peaceful expression of their opinions. For example, in May 1994, Mr. Mehdi Zana, the former mayor of Diyarbakir, began serving a four-year prison sentence for testifying before the European Parliament's Human Rights Subcommittee in Brussels in December 1992.

PKK guerrillas were responsible for over 170 killings in 1994. Most of their victims were Kurdish villagers who participated in the system of government-armed village guards. For example, 16 women and children were killed by grenades thrown by PKK members into a building during an attack on village guards in Ormancik, Mardin province, in January 1994. The PKK also has a declared policy of executing teachers and other non-military government officials.

Government and PKK Responses

Turkey has signed and ratified both the European Convention for the Prevention of Torture and the United Nations Convention Against Torture. Turkey also allows its citizens to file applications alleging human rights violations with the European Commission of Human Rights. About 250 cases are pending before the Commission.

In addition, in September 1991 the Turkish Parliament set up a commission to investigate human rights violations. As of September 1994, the commission had received over 4,100 applications claiming torture, maltreatment, or arbitrary detention. In each case the commission wrote the relevant government agency inquiring about the case. According to the latest State Department human rights

report, however, "There is no indication that these communications have had any effect or that the Commission has followed up on these cases."

In 1991 the Turkish Government enacted a law (No. 3713) that commuted all existing death sentences and conditionally released thousands of political prisoners who had served part of their jail sentences. Nonetheless, despite these actions and statements, serious and widespread human rights violations continue to exist in Turkey.

The Turkish government has failed to respond to Amnesty International's repeated appeals that independent commissions of inquiry need to be established to examine the dramatic increase in allegations of extrajudicial executions - as recommended by the United Nations Principles on the Effective Prevention and Investigation of Extra-Legal Arbitrary and Summary Executions.

In December 1994 the PKK committed to abide by Common Article 3 of the Geneva Conventions of 1949, which forbids ill- treatment or killing of civilians and prisoners of war. In January 1995 the PKK reaffirmed this pledge. Despite these assurances, however, the PKK continued to commit human rights abuses.

Evidence of Military Equipment Being Used to Commit Human Rights Violations

Sales of U.S. military equipment to Turkey are projected to reach $320 million in 1996. Turkey will also receive $1 million in International Military and Education Training (IMET) in 1996 from the United States. As a NATO member, Turkey is the beneficiary of additional military assistance, some of which is not subject to public scrutiny.

Amnesty International opposes the transfer of military, security or police equipment, personnel, training or logistical support from one country to another whenever there is reason to believe that such transfers contribute to human rights violations. Recent reports indicate that some types of U.S. military equipment supplied to Turkey may have been used by Turkish security forces to commit such violations.

For example, on October 9, 1994, villagers reported that Turkish security forces had burned down 17 villages in eastern Turkey during an offensive against PKK guerrillas. The Reuters news agency reported that U.S.-made Sikorsky and Super Cobra helicopters flew over the town of Tunceli that day, ferrying in troops and launching rocket attacks. Amnesty International has also received other reports indicating that helicopters were used to ferry troops in village raids in which "disappearances" occurred.

In an earlier case, a helicopter facilitated abduction, torture and extrajudicial killing. On November 3, 1993, four individuals (Mehmet Emin Bingol, Yakup Tetik, Mehmet Acal and Ali Can Oner) were reportedly taken into custody from the village of Eralan, near Yaygin in the Mus province and abducted by helicopter. On November 5, their bodies, showing signs of torture and each with a single gunshot wound in the head, were found. Amnesty International has raised the case with the Turkish government but has received no response.

In another case helicopters flew over tents of Palamadzu villagers, which were pitched on the Cet pasture in the Ovacik area on September 17, 1993 - one day after clashes between security forces and the PKK occurred near Koyungolu in the Tunceli province. The villagers were attempting to flee with their animals when the helicopters dropped explosive devices on the tents. As a result Beser Dogan and Yeker Guler were killed and seven others wounded. They were all unarmed civilians. We have also raised this case with the Turkish authorities and have received no response.

Eight people, including three children, were killed when Turkish warplanes bombed Kumcati village in Sirnak on March 26, 1994. Six- year-old Ercan Bayir survived and was treated for his wounds. Official statements claimed that the bombing was "accidental." However, at least three other Kurdish settlements were bombed the same day. All these villages had refused to join the corps of village guards who are armed and paid by the government to fight against the PKK. Village guards risk attack by the PKK while those who refuse to join are often subject to violent reprisals from the security forces.

Were American planes used in these attacks which killed and maimed civilians? Were U.S. helicopters also used in the raids? Concerned about the possibility that the United States might be inadvertently contributing to human rights violations in Turkey, last year Congress voted to suspend 10 percent of military aid to Turkey pending a State Department report on Turkey's human rights record. That report, entitled Report on Allegations of Human Rights Abuses by the Turkish Military and on the Situation in Cyprus, noted that over 80 percent of the military equipment is of U.S.-origin. The report also acknowledged that it is highly likely that U.S. equipment and ordinance have been involved in village evacuations and destructions. While Amnesty International welcomes the efforts of the State Department in preparing this report, we are nevertheless disappointed that the report failed to supply any first-hand information on the end-use of the U.S.-made military equipment and the direct nexus to human rights violations against innocent civilians. The State Department based its conclusions simply on press reports, rather than gathering new evidence first-hand. We believe that the State Department, in conjunction with the Department of Defense, could have used military intelligence to provide a more accurate and detailed report to Congress.

Recommendations

Many of the recommendations we suggest below must be carried out by the PKK and the Turkish government to ensure compliance with basic international human rights standards. Nevertheless, there is much Congress and the Administration can do to encourage the PKK and the Turkish government to adhere to fundamental human rights norms, and to make sure that United States does not inadvertently contribute to human rights violations in Turkey.

A. Recommendations for the Turkish Government and the PKK

1. The highest authorities in Turkey, including the President, members of Parliament and governors should reiterate in writing their absolute opposition to torture. PKK officials should make a similar statement.

2. The PKK and the Turkish government should make clear during the training of all officials involved in the custody, interrogation and treatment of prisoners and detainees that torture is a criminal act, and that they are obliged to refuse any order to torture.

3. Turkish authorities should eliminate incommunicado detention in all cases, and should allow family members, lawyers and independent medical personnel access to prisoners and detainees at all times, especially when they are being interrogated.

4. In each case of an alleged human rights violation by a member of the security forces, police, other law enforcement personnel, gendarmes, or any official involved in the custody, interrogation, and treatment of prisoners and detainees, the Turkish government should investigate the charges in accordance with international standards such as those set forth in the United Nations Principles for the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, and promptly publish the findings of the investigation in their entirety. The same standard should apply to PKK officials.

5. The Turkish government should promptly begin appropriate disciplinary and criminal proceedings against members of the security forces, police, other law enforcement personnel, gendarmes, or any official involved in the custody, interrogation and treatment of prisoners and detainees, whenever there is reasonable evidence of a human rights violation.

6. The Turkish government should prohibit the use of statements extracted under torture from being used as evidence in legal proceedings.

7. The Turkish government and the PKK should provide adequate compensation to victims of human rights violations and their families.

8. The Turkish government should establish an independent commission of inquiry to investigate all allegations of torture, disappearances and extrajudicial executions, to have access to all places of detention, to make all findings public and to prosecute all officials responsible in such acts.

9. The Turkish government should repeal Article 8 of the Anti- Terror Law, which provides for jail terms of up to five years for any form of "separatist propaganda," even if the writings or statements in question do not advocate any violence.

B. Recommendations for Congress and the CSCE

1. Congress or the CSCE should hold a hearing specifically on the State Department's recent report to find out more details about whether U.S.-made military equipment is being used to commit human rights violations in Turkey.

2. Based on such a hearing, Congress or the CSCE should make recommendations on steps to be taken to avoid such incidents in the future.

3. Congress or the CSCE should create a monitoring capability in the southeastern part of Turkey that would hold the PKK and the Turkish government accountable when human rights violations occur.

American Association for the Advancement of Science
Science and Human Rights Program

Testimony on the Persecution of Scientists in Turkey
Before the Commission on Security and Cooperation in Europe

28 September 1995

The American Association for the Advancement of Science (AAAS) is the largest organization of natural and social scientists in the United States and the world's largest federation of scientific societies, with 140,000 individual members and 296 affiliated groups. The Science and Human Rights Program of the American Association for the Advancement of Science with its Committee on Scientific Freedom and Responsibility has been working on behalf of scientists, engineers, and health professionals worldwide whose human rights have been violated since the Program's inception in 1976. The Program is based on the premise that scientific societies should encourage international respect for the human rights standards embodied in the Universal Declaration of Human Rights and other international treaties as a matter of scientific freedom and responsibility.

In addition to advancing the use of scientific methods and procedures in the documentation and prevention of human rights violations, the Program documents human rights violations affecting the scientific community and attempts to bring effective aid to foreign scientists, health professionals, engineers, teachers, and students in these fields whose internationally recognized human rights have been violated. In the 1995 *Directory of Persecuted Scientists, Health Professionals and Engineers*, updated and published annually, the Program has compiled 564 cases (see attachement for Turkey section). The Program aims to help not only scientists who have been persecuted because of their professional activities, but also those who have been persecuted for the nonviolent expression of their opinions or for otherwise peacefully exercising their internationally recognized human rights.

The AAAS Science and Human Rights Program has documented eight cases of scientists whose human rights have been violated in Turkey. However, this is only a fraction of the cases of scientists imprisoned for the peaceful expression of their political opinions. Having recognized an increasing trend in the number of cases from Turkey, and in response to requests for technical assistance by local human rights organizations, the Program undertook a preliminary mission to Turkey in July 1995 to meet with the groups requesting assistance and to expand our sources of information regarding human rights violations affecting the scientific community.

During the mission, the dire circumstances of many Turkish scientists were made evident. Social scientists appear to be particularly vulnerable, because the expression of any opinion dissenting from official ideology regarding the "Kurdish problem" is often met with charges of separatism under Article 8 of the Anti-terror Law. For this reason many social scientists engage in self-censorship to avoid such charges. However, some social scientists continue to conduct their research without regard to the consequences. Publishers willing to publish their work and that of foreign scientists also face persecution.

The Science and Human Rights Program has found that scientists in Turkey have been prosecuted on the basis of the expression of their views and their political affiliations representing serious violations of fundamental human rights. Many international instruments protect the rights of these scientists; however, they are ignored by Turkish authorities. They include:

The Universal Declaration of Human Rights (adopted by the United Nations without opposition in 1948) guarantees:

- freedom of thought, conscience and religion (Article 18);
- freedom of expression (Article 19);
- freedom of peaceful assembly and freedom of association (Article 20); and
- freedom for individuals to take part in the government of their country, directly or through elected representatives(Article 21).

In addition, Turkey was one of the original ratifiers of the European Convention for the Protection of Human Rights and Fundamental Freedoms, which recognizes the right to freedom of thought, conscience and religion (Article 9); the right to freedom of expression (Article 10); and the right to freedom of assembly and freedom of association (Article 11). As a signatory of the Final Act of the Conference on Security and Cooperation in Europe, Turkey also has agreed to abide by basic principles of human rights incorporated in the Universal Declaration of Human Rights and other international documents.

Physicians have also become the victims of persecution, primarily as a consequence of ongoing conflict in the southeast region. During meetings with the Turkish Medical Association (TMA), allegations previously documented by Amnesty International regarding the persecution of medical professionals were reiterated. A large number of medical professionals are charged and sentenced for treating so called guerrillas.

Thirty applications from medical professionals have been made to the TMA. There is also a list of internally exiled professionals. These doctors are being sent to areas where the HMP (fascist) party is strong and are therefore essentially forced to resign. Doctors who are accused of treating guerrillas are not only charged under Article 8, they are charged under other articles as well. They are not charged for treating guerrillas, but for being part of the guerilla organization itself. In their defense statements the doctors charged claimed that there are no laws prohibiting the healing of guerrillas, therefore the government charges them with being guerrillas.

These cases are of particular importance because medical professionals are bound by their codes of ethics to provide medical care on an impartial, nondiscriminatory basis to any individual requiring their services. This right is accepted by the international community as is evident in the following codes of ethics:

The Geneva Oath approved by the General Assembly of the World Medical Association in 1948 and the International Code of Medical Ethics approved in 1949, which establish:

- The physician must abstain from any religious, national, racial, political, or social discrimination in the performance of their duty;
- A physician shall preserve absolute confidentiality on all he knows about his patient even after the patient has died.

"Regulation in Time of Armed Conflict" adopted by the World Medical Association in 1956, which establishes:

- Medical ethics in time of armed conflict is identical to medical ethics in time of peace, as established by the International Code of Medical Ethics;
- In an emergency, the physician must always give the required care impartially and without consideration to sex, race, nationality, religion, political affiliation, or any similar criteria;
- The fulfillment of medical duties and responsibilities shall in no circumstance be considered an offense. The physician must never be prosecuted for observing professional confidentiality.

Among the social scientists charged and sentenced under these conditions are political scientists Haluk Gerger, with whom Program staff met in Haymana Prison just outside of Ankara, economist Fikret Baskaya, who was released from prison in June 1995, and publisher Ayse Zarakolu, who is currently facing prosecution for separatist propaganda and is already in prison for publishing a work that does not coincide with state ideology. During meetings held in Ankara and Istanbul, these individuals discussed their persecution and that of other scientists.

Haluk Gerger, Political Scientist

Dr. Haluk Gerger was sentenced to 20 months in prison and fined 208,000,000 Lira (approx. $5,000) for sending a letter in May 1993 to a memorial meeting for three prisoners who were executed in 1972. Although Dr. Gerger's sentence will be completed in September, part of his fine has been converted to an additional three year prison term due to his refusal to pay. As Dr. Gerger explained, he is financially able to pay the fine, but refuses on the grounds that many prisoners are not able to pay such exorbitant fines, particularly during their term of imprisonment when they are not gainfully employed. Dr. Gerger is committed to remaining imprisoned in order to bring attention to the unfair nature of the fines, which he believes are designed to keep people imprisoned, and as an attempt to convince European governments not to admit Turkey into the European Customs Union, which he believes would be a political victory for the government. Dr. Gerger's case has been appealed to the Council of Europe and a decision is expected in November. He is listed in the *1995 Directory of Persecuted Scientists, Engineers, and Health Professionals*.

During our discussions, Gerger praised the international attention given to his case. He believes that his favorable treatment while in detention can be directly attributed to the actions of international human rights groups. Gerger, who has been in Haymana prison for over a year is held in a cell which is meant to hold four prisoners, he is allowed visitors, receives mail, and is able to contribute a column to the newspaper for which he works. He has a personal computer, a

television, and refrigerator. Gerger explains that this would certainly not be the case if his captors were not aware of the international recognition that his case has gained. He believes that foreign pressure has always been an effective tool for achieving improved human rights conditions in Turkey, particularly pressure from the U.S.

Gerger believes that western governments and institutions share the guilt for the violence that is occurring in the Kurdish area. The Turkish government is being directly aided by the U.S. and Europe economically and Militarily. He believes that the violence perpetrated by the PKK and other groups is directly related to their inability to gain recognition in a legal forum.

In the 80s, when he was a professor he felt the pressure of self censorship. He was fired along with many others when the University was restructured. Gerger would like to see the government, the scientific community, and the academic community isolated by their international counterparts. He is opposed to professional collaboration and believes that Turkish universities act as a vessel of the establishment. The Bar Association, for example, also supports the war effort. He feels that they should be denied membership in foreign bar associations. He believes that once Turkish citizens feel the pain of sanctions, and the end of official institutional ties opposition to current government policies may develop.

Fikret Baskaya, Economist

Fikret Baskaya, an associate professor at the Faculty of Economics in Bolu, was released from prison on 14 or 15 June 1995. Baskaya had been sentenced on 17 March 1994 to 20 months imprisonment in Haymana Prison near Ankara for "spreading separatist propaganda." He had published a book, *Westernization, Modernization, Development -- Bankruptcy of the Paradigm*, that was critical of the Turkish government's policies towards Kurds. Baskaya was also a regular columnist for *Ozgur Gundem*, a pro-Kurdish newspaper that is now banned. It is widely believed that he was imprisoned for attempting to express his opinions freely. Baskaya is also the recipient of a Lillian Hellman/Dashiel Hammett Fund grant made by Human Rights Watch in June 1995. AAAS has been acting on Baskaya's behalf since October 1994.

At the time of this discussion with Baskaya in Ankara, shortly after his release from prison, there was a pending investigation by the public prosecutors office in Istanbul regarding an article he wrote two years ago, at which time an investigation did not take place. Recently a journal published excerpts from the article and an investigation was initiated. Upon conclusion of the investigation the prosecutor will determine whether or not to charge him. The charge against him is under Article 8 of the Anti-terror law for "spreading separatist propaganda." In the majority of cases charges are filed.

Baskaya, like Gerger, believes that universities survive as carriers of government ideology, particularly in the social sciences. After 1980 and the establishment of higher education council to run the university system, even the marginal academic freedom that existed was taken away, particularly in the social sciences where any view dissenting from the state ideology is prohibited.

Baskaya was arrested for writing a book summarizing the socio-economic evolution of Turkey from the 20s to the 90s. In a chapter of his book the Kurdish question is dealt with briefly. He was charged with separatism-writing propaganda against the unity of state and nation. He was sentenced under Article 8 of the Anti-terror law. Because scientists are aware of the consequences when they address certain issues, a majority of social scientists exercise self censorship to avoid this problem. In addition, the social scientists who are unwilling to write about the Kurdish situation label the people engaged in these issues as ideological and political and not real scientists. Baskaya believes that the problem arises from the fact that there is an official ideology. "Where there is an official ideology science can not progress."

According to Baskaya throughout the years there have been several taboo subjects, which many scientists would not address. In the 1920s and 30s it was religious reaction, in the 50s communism, and in the 80s and 90s the subject is separatism. In each period many social scientists have avoided the taboo issues creating harmony among those unwilling to touch these areas, and resulting, Baskaya believes, in the lack of intellectual honesty among scientists.

After 1980, regulations concerning the investigation of internal security were introduced. People were eliminated at the beginning of their academic careers and at every stage of academic promotion people were investigated. There was multi-stage discrimination, resulting in a considerable part of the intellectual capacity of Turkey being pushed outside of the university circles. Universities spread the official ideology, and are institutions of a semi-military character where future carriers of official ideology are educated. He believes that relationships with rectors of the universities in the US with Turkish rectors amounts to indirect support of the Turkish situation, which he believes is indirect legitimization of the current system.

Baskaya is currently undertaking a project to create a free university completely outside of the state university system. The Program has been active for three years. This underground university provides an alternative to the official courses taught at state universities. Many of the students supplement their official courses with those of the Program. About 20 scientists are involved in this endeavor. The fields covered include: political economy, social history, natural sciences, history of workers unions, media, and related fields.

Ayse Zarakolu, Publisher

In an attempt to censor opinions that are contrary to state ideology, the government has also targeted publishers who publish works expressing dissenting views. In addition to charging the authors of the works under Article 8 of the Anti-terror law, the government has proceeded to charge the publishers of the materials. Ayse Zarakolu, is currently facing charges under the Anti Terror Law and under article 312 of the Turkish Penal code for the publication of three books. Her trial has been adjourned until 3 October 1996. Many publishers have been imprisoned, including Fikret Baskaya's publisher.

The government also uses these methods to ban the works of foreign scientists. Ayse Zarakolu was previously sentenced to two years imprisonment and given a fine of 250 million TL when she published a book written by French sociologist Yves Ternon, who wrote about the Armenian genocide. Because foreign authors are usually outside of Turkey, instead of charging the author, the government charges the publisher and accuses them of writing the book. Ayse Zarakolu also was charged 200,000 lira and sentenced to two years in prison for publishing a book by Professor Dadrian, a mathematician, philosopher, sociologist, and Guggenheim grant recipient, for conducting research on genocide.

This systematic government policy to stop and to punish all scientists who deviate from government ideology as well as their publishers, has resulted in the self censorship of both professions. Few scientists are willing to write on controversial subjects. Those that do are labelled as terrorists by the government and by the universities, and few publishers are willing to take the risk of publishing their work. Therefore, no alternative to the official party line is made available to the population.

Ayse Zarakolu bases her defense on her right to freedom of expression, to publish, and to disseminate information. She stresses that publishing is not merely a business, but a medium for expression of opinions.

Conclusion

Science is a worldwide enterprise that requires freedom of thought, communication, and travel, and the freedom to pursue professional activities. Many of the rights and standards set out in the international instruments listed above are thus essential to the conduct of science. It is apparent that scientists in Turkey are not free to conduct research in a number of areas and in some instances are not able to perform their work without government interference. AAAS is deeply concerned about the state of academic freedom in Turkey and the fate of the scientists named above, those listed in the 1995 *Directory of Persecuted Scientists, Health Professionals, and Engineers* (please see attachment), and many others whose cases the Program has not yet documented.

TURKEY

NAME	Cemal Kahraman
PROFESSION	Medicine
AFFILIATION	Nusaybin Branch of the Human Rights Association
HR VIOLATION	Arrest Tortured
VIOLATION DATE	17 March 1991
CHARGE	Membership in the Kurdish Workers' Party
STATUS	Trial ongoing
FIRST AAAS ACTION	6/27/1991

Dr. Cemal Kahraman is a medical doctor from Nusaybin and president of the Nusaybin Branch of the Human Rights Association (HRA). He was arrested on 17 March 1991 together with eleven others following a funeral service in Mardin for five guerrillas who had been killed the day before. The twelve were repeatedly beaten and tortured while held at the Mardin Gendarmerie Regimental Headquarters. On 12 April 1991, they were brought before the Mardin Chief Prosecutor and Dr. Kahraman and three others were charged with supporting the Kurdish Workers' Party (PKK). The remaining eight detainees were released pending a formal trial. Dr. Kahraman and four others submitted a formal complaint to the court alleging they were severely tortured while in detention.

On June 1991, the twelve were brought before the Diyarbakir State Security Court where they were charged with membership in the illegal PKK and harboring members of that organization. The four remaining defendants were then released from prison. It is believed that Dr. Kahraman's trial is still ongoing.

NAME	Fikret Baskaya
PROFESSION	Economics
AFFILIATION	Abant University in Bolu
HR VIOLATION	Arbitrary Arrest
VIOLATION DATE	May 1993
CHARGE	Violation of Anti-Terror Law which outlaws any expression considered separatist propaganda
SENTENCE	20 months imprisonment
STATUS	Released
FIRST AAAS ACTION	10/20/1994

Fikret Baskaya was an assistant professor of Economics at Abant University in Bolu. He was sentenced to 20 months imprisonment under Article 8 of the Anti-Terror Law for "spreading separatist propaganda" in his book *Westernization, Modernization, Development - Bankruptcy of the Paradigm*, which is an academic examination of the socio-economic evolution of Turkey since the 20s. Just prior to publication of this *Directory* AAAS learned of his release on June 14 or 15, 1995.

NAME	Haluk Gerger
PROFESSION	Political Science
AFFILIATION	Turkish Human Rights Association
HR VIOLATION	Arbitrary Arrest
VIOLATION DATE	1993
CHARGE	Violation Anti-Terror Law which outlaws any expression considered separatist propaganda
SENTENCE	1 year 8 months
STATUS	Detained
FIRST AAAS ACTION	10/20/1994

Haluk Gerger, a political scientist, was sentenced to one year and eight months in prison under Article 8 of the Anti-Terror Law. The charge concerns a letter sent in May 1993 to a memorial meeting for three political prisoners who were executed in 1972. Dr. Gerger was educated at John Hopkins University, Stockholm University, and Hertfor College. He was an assistant professor in International Relations at the University of Ankara until the 1980 military coup. He was removed from his post in 1982 during the regime's restructuring of the academic system. In addition, Dr. Gerger was a founding member of the Turkish Human Rights Association.

NAME	Mediha Curabaz
PROFESSION	Nursing
VIOLATING COUNTRY	Turkey
HR VIOLATION	Beaten in Custody Intimidation Raped Tortured
VIOLATION DATE	4 October 1992

TURKEY

CHARGE	Membership in a banned organization, the Revolutionary Communists' Union of Turkey (TIKB)
SENTENCE	Trial continues
STATUS	Trial ongoing
FIRST AAAS ACTION	1992

Mediha Curabaz, 24, was detained on 15 August 1991 and interrogated about a poster campaign in Adana said to have been organized by the TIKB. She was held in police custody for five days before being transferred to prison. Curabaz reported that during these five days she was severely tortured, beaten, hung by the wrists, given electric shocks, and raped with a truncheon that delivered electric shocks. At her trial on 14 November 1991 on charges of belonging to the TIKB, she was acquitted and released.

While still in prison, Mediha Curabaz brought a complaint of torture against five police officers. Criminal prosecution of the police officers remains blocked. However, a civil suit brought by Curabaz resulted in a decision in her favor. The Ankara 3rd Administrative Court awarded her 10 million TL (roughly $300) for injuries received while she was in custody in June 1994. However, the police officers involved in the case have not been charged despite medical reports which confirm the charge of rape.

On 4 October 1992, Curabaz was again detained along with some 250 other people, of whom 80 were formally arrested, following a picnic near Adana arranged by a local political journal. She was released after the first trial hearing on 26 December 1992. Her trial on charges of membership in an illegal organization continues.

NAME	Nazil Top
PROFESSION	Nursing
VIOLATING COUNTRY	Turkey
HR VIOLATION	Arbitrary Arrest Detained Without Trial Sexually Abused Tortured
VIOLATION DATE	27 April 1992
STATUS	Trial ongoing
FIRST AAAS ACTION	06/30/1992

On 27 April 1992, Nazil Top was detained by police who were conducting a street search following an attack that morning on a minibus carrying anti-riot police. Top, age 23, had been on her way home form work at Kakirkoy Hospital. Due to her appearance, her place of birth, and the fact that she carried a receipt from Tum Saglik Sen (Health Workers' Union), she was labeled a suspect. She was taken to Bahcelievler police station. Despite the fact that she was three months pregnant, the police proceeded to beat her on her stomach, back and head, and dragged about by her hair. Following this she was put in a minibus and driven around while officers continued to beat her.

At 11 pm that same night she was taken to the Anti-Terror Branch of Istanbul Police Headquarters. There, the beatings intensified and she was refused access to a lawyer. The next morning she was tied up and given electric shocks to her fingers, toes, nipples and sexual organs. The torture was carried out for four of the ten days that she remained at the Anti-Terror branch during which she was frequently sexually assaulted.

On 7 May 1992, she was brought before the prosecutor at Istanbul State Security court and was released without charge. Her lawyer made a complaint about her initial examination by the Istanbul Forensic Medicine Institute who gave a certificate saying that there were no marks of torture (she was accompanied to the examination by police). After her release on 7 May 1992 she was examined by the Forensic Medicine Institute in Bakirkoy who identified marks on her breast and stomach. Bakirkoy referred her to Haseki hospital who documented the injuries with a report on 5 June 1992. Ms. Top has filed formal complaints with the Istanbul Public Prosecutor concerning her treatment at both police stations. Her complaints of torture were rejected by the prosecutor's office for lack of evidence. Her lawyer appealed to Beyoglu Criminal Court No. 1, but this appeal was rejected. On 29 December 1994, seven policemen were put on trial at Istanbul Criminal Court No. 5 accused of torturing Nazil Top. The policemen did not appear in court. The trial continues.

NAME	Necati Aydin
PROFESSION	Health Care Worker
AFFILIATION	Health Workers Union

TURKEY

VIOLATING COUNTRY	Turkey
HR VIOLATION	Disappeared Extrajudicial Execution
VIOLATION DATE	18 March 1994
STATUS	Deceased/Application made to European Commission
FIRST AAAS ACTION	04/20/1994

Necati Aydin, former president of the health workers union, and another man, Mehmet Ay, were found dead on 9 April 1994. The two bodies were found, along with a third whose identity was unknown, in a field some 40 kilometers outside Diyarbakir in a village called Kagitli. All three bodies were bruised and had bullets in their heads.

The two men had been detained at the house of Mehmet Ay's brother on 18 March 1994 by the Anti-Terror Branch of Diyarbakir Police on unknown charges. Nine of their relatives were arrested at the same time with eight of them being released four days later. The last relative, Necati Aydin's daughter, was released 11 days later, on 29 March.

Necati Aydin and Memmet Ay were next seen by several witnesses on 4 April 1994, when they appeared before a prosecutor in the State Security Court in Diyarbakir. At this time the prosecutor argued before the interrogating judge that the two men should remain in custody. The judge ordered their release instead, but their families, who were waiting to receive them outside the building, never saw them. Turkish authorities denied having rearrested the men, but they were not seen again until they were discovered murdered on 9 April.

An application has been made to the European Commission by the wife of Necati Aydin.

NAME	Recai Aydin
PROFESSION	Medicine
HR VIOLATION	Disappeared
VIOLATION DATE	8 July 1994
STATUS	Disappeared
FIRST AAAS ACTION	9/29/1994

Dr. Recai Aydin, a general practitioner, left work at the Cinar Health Center on 8 July 1994 to make the forty minute drive to his home in the town of Diyarbakir, and has not been seen since. The next day, his car was found on the road of Silvan, 61 kilometers from Diyarbakir. There were no traces of blood or other clues in the car which might have indicated what fate had befallen Dr. Aydin. During the months he was missing, Dr. Aydin's family petitioned the Diyarbakir prosecutor for information, but Turkish authorities denied having any knowledge as to his whereabouts. There has been an escalating pattern of "disappearances" and extrajudicial executions perpetrated both by government forces and opposition groups in Southeast Turkey. Although Dr. Aydin is not a member of any groups that would make him a target for "disappearance," he is a relative of Vedat Aydin, former president of the People's Labor Party in Diyarbakir, who was murdered in July 1991 in circumstances suggestive of extrajudicial execution. [illegible]dition, health professionals are particular[illegible]ts of government intimidation both as reprisal for the treatment of individuals whom the government claims are opposition guerrillas, and in order to interfere with forensic examinations and autopsies which might implicate the government in torture or extrajudicial executions. These factors have led to grave concern as to Dr. Aydin's safety.

NAME	Remzi Kartal
PROFESSION	Dentistry
AFFILIATION	Democracy Party
HR VIOLATION	Forced Exile Prosecution Fear of persecution/execution
VIOLATION DATE	16 June 1994
STATUS	In exile in Belgium
FIRST AAAS ACTION	8/4/1995

Remzi Kartal was elected to Turkey's parliament in October 1991 from the mainly Kurdish city of Van. On 3 March 1994, he became acting chair of the Democracy Party (DEP) when the party's chairman was arrested. On 16 March, the party was banned by the Constitutional Court. Mr. Kartal and five other DEP parliamentarians fled to Belgium.

Between 1973 and 1975, Mr. Kartal was an officer in the Turkish army. He became active in politics in 1975 as an activist for the Republican People's Army (CHP).

After the 1980 military coup he was arrested, and his jaw was broken twice during torture. Before being elected to Parliament he practiced as a dentist.

The DEP was a pro-Kurdish party banned by the Constitutional Court of Turkey on 16 June 1994. The government detained a number of DEP members, and stripped DEP parliamentarians of their immunity and parliamentary membership. *Anatolia* newspaper reported on 21 June 1994 that eight former DEP deputies were being prosecuted in the State Security Court, and that the Chief Prosecutor was seeking the death penalty according to Article 125 of the constitution. This article states that "an attempt to endanger the territorial integrity and future of the state will be punishable by death."

PHYSICIANS *for* HUMAN RIGHTS

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Testimony before the Committee on Cooperation and Security in Europe (Helsinki Commission)

Vincent Iacopino, M.D., Ph.D.
Western Regional Director,
Physicians for Human Rights
September 19, 1995

Members of the Commission:

I appreciate the opportunity to testify on behalf of Physicians for Human Rights (PHR) on the subject of human rights violations in Turkey. In the past year, PHR has been engaged in an extensive human rights documentation and education project in Turkey. The project represents a concerted effort to work closely with Turkish medical and human rights colleagues toward the protection and promotion of human rights and to support principles of medical ethics in Turkey.

Although Turkey is a party to a number of international human rights conventions and is currently being considered for membership to the European Union, the Turkish government continues to be responsible for systematic violations of international human rights and humanitarian law. The Turkish government systematically practices and condones violations of fundamental, nonderogable human rights by carrying out political killings, disappearances, torture, and violations of medical neutrality. These abuses are compounded by Turkey's "Anti-Terror Laws" which criminalize free speech and abandon rights of due process.

In the past year, I led three PHR research investigations in Turkey. The research was conducted over a period of about two months in Istanbul, Diyarbakir, Ankara and Izmir and focused on documentation of: 1) physician involvement in human rights violations, 2) violations of medical neutrality, and 3) health consequences of the conflict in the Southeast. We interviewed and examined dozens of survivors of torture, and gathered testimony from more than 100 health professionals, eyewitnesses, lawyers, human rights activists, and government officials. In addition, we examined official medical records and legal documents whenever possible and inspected a number of health facilities in southeastern Turkey.

Turkish law in effect mandates physician complicity with state-sponsored torture on a massive scale. Turkey's laws require that all detainees be sent to a physician for a legal medical report before and after the detention period. Because physicians are under extraordinary pressure either to neglect or falsify evidence of torture and deaths in custody, physicians have been forced into the role of silent witnesses to the routine practice of torture in Turkey. PHR has documented the nature of such

AN ORGANIZATION OF HEALTH PROFESSIONALS, SCIENTISTS AND CONCERNED CITIZENS

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physician complicity through a variety of complementary sources of evidence.

PHR conducted interviews with more than 20 forensic doctors to gain insight into the problems they experience in accurately documenting evidence of human rights violations. These interviews served as the basis for a subsequent Research Survey on Forensic Documentation of Torture (see below). Forensic doctors who routinely examine detainees consistently informed PHR that, in Turkey, torture of suspected criminals is widespread and torture of political detainees is virtually universal. Police often insist on being present during the medical examinations, especially in the Southeast. Police typically respond to physicians' attempts to perform proper examinations with overt threats, by destroying the medical reports, or simply obtaining a "favorable" report from a more compliant doctor. In Diyarbakir, police and security forces routinely present large groups of detainees with obvious injuries to doctors and force them to sign medical reports which indicate a clean bill of health. Many of the doctors feel that complying with such demands is the only humane choice since attempts to document evidence of torture typically result in repeated torture for the detainee.

In January 1995, PHR conducted a Research Survey on Forensic Documentation of Torture. Sixty physicians who conduct medical examinations of detainees were administered a questionnaire to assess their experiences in documenting evidence of torture and to solicit their suggestions for reforms. Nearly all respondents indicated that torture is a serious problem in Turkey. Many indicated that the accuracy of their reports is limited by the presence of police either in the examination room or by having to submit the report directly to a policeman, rather than the public prosecutor. In addition, severe time limitations affect the quality of such medical examinations. Most doctors are expected to conduct between 30 to 40 examinations per day, in addition to other work responsibilities.

To assess further the problem of physician entanglement in state-sponsored torture in Turkey, PHR analyzed a series of more than 30 cases of conflicting medical reports. In such cases, the initial medical examiner of the detainee failed to record evidence of torture that was later documented by a subsequent medical examiner in the absence of police. These conflicting medical reports support the testimony of forensic doctors and survivors of torture who indicate that the documentation process is corrupted by the influence of law enforcement officials.

Moreover, PHR has analyzed a series of 80 medical reports of detainees from 1994 for systematic patterns of falsification and/or misrepresentation of physical evidence of torture. In more than 95 % of these cases PHR's medical experts concluded that the findings recorded by the examining doctor were consistent with torture. However, in no case was there a mention of the cause of the physical findings recorded. In all cases, a gendarme brought the detainee to the physician and directly received the doctor's medical report. In addition, PHR's evaluation of a number of official autopsy reports demonstrated that the forensic specialists involved failed to raise the possibility of torture as a cause of deaths in custody despite obvious indications from official records.

Through interviews and examinations of dozens of survivors of torture in Turkey, PHR also gathered testimony regarding individual torture experiences and encounters with physicians who conducted official medical reports. Some of the methods of torture used included: severe beatings, various forms of suspension, sexual violations, electric shock, burns, mock executions, threats to friends and family, and being forced to witness the torture of others. Many survivors, who were examined by PHR's physicians, showed persistent physical signs of torture which corroborated their accounts of abuse. The reasons given to detainees for their detention generally included accusations of belonging to, or supporting members of illegal organizations. It is our observation that the function

of detention and torture in Turkey, as in countries where it is practiced systematically, is to achieve political control through state-sponsored terror.

The survivors of torture whom PHR interviewed and examined also described their encounters with physicians who conducted their official medical reports. Their testimonies corroborate the information elicited from forensic doctors and PHR's analysis of medical reports. In all cases, detainees were presented to the examining physicians by police or gendarmes who either insisted on being present during the examination or waited just outside the room. Rarely were the detainees asked about symptoms or examined. In some cases, the doctors simply asked the detainee to: "lift up your shirt" and recorded no evidence of injury. Detainees who complained of injuries or symptoms were threatened, and in some cases taken back to the police station and tortured again. In all cases, the examiners' reports then were given to the police or gendarme presumably to be transmitted to the public prosecutor.

Turkish law has not only entangled physicians in a web of systematic torture, they have also transformed the physician's professional duty to provide non-discriminatory medical care into a crime. Turkey's "anti-terrorism" laws make it a criminal act for health professionals to provide assistance to members of "illegal organizations," such as the PKK. Consequently, Turkish police and security forces in the Southeast routinely target health professionals they suspect of providing medical treatment to "militants." According to the Geneva Conventions and codes of professional conduct, medical personnel have the duty to provide care to the sick and wounded regardless of a person's race, language, national or social origin, birth or other status. PHR has documented the following violations against health professionals:

Over the past two years, approximately 20 health professionals have been killed by police and security forces, primarily in the Southeast. PHR has gathered information on such killings and interviewed eyewitnesses and family members of those believed to have been killed by state security forces. PHR's documentation also included interviews with approximately 10 physicians, and other health professionals, who were detained and tortured for providing medical care to suspected militants.. Many of the health professionals suspected of providing such care have been sentenced to prison and/or internally exiled in Turkey.

The Turkish Government's disregard for the responsibilities of health professionals extends beyond the Southeast. In March 1995, massive demonstrations led to police shooting and killing of nearly 30 civilians on the outskirts of Istanbul. Efforts of health professionals to provide care to the wounded were prevented by police and other government officials. PHR interviewed health professionals, ambulance workers, victims of the violence and other eyewitnesses.

In the course of the conflict in southeastern Turkey, police and security forces have intensified the forced displacement of civilians and continued to wage a systematic campaign of murder and torture on the population of the region. Armed militants also have committed atrocities by executing civilians, bombing non-military targets, and using the civilian population as a human shield.

To study the health consequences of the conflict in the Southeast, PHR interviewed clinicians, administrators of hospitals and clinics, public health workers, researchers, lawyers, human rights activists and members of the business community in Diyarbakir. Clearly, the armed conflict and violations of human rights by combatants on both sides have devastated the physical, psychological and social well-being of the people of southeastern Turkey. Overcrowding and poor sanitation associated with forced

displacements has increased rates of communicable diseases. Many communities no longer have access to medical and health services and some who have access avoid contact with the State health care system out of fear. In addition, the delivery of health services has deteriorated significantly as a result of increasing demands on medical resources and interruption of health programs such as childhood immunization.

PHR's efforts to protect and promote human rights in Turkey have focused not only on the documentation of human rights violations, but on long-term investments in human rights education and organization and support for health professionals who protect and promote human rights and uphold principles of medical ethics. In January 1995, PHR co-sponsored a 4-day symposium entitled "Human Rights and Physician Responsibility." It was a first-ever opportunity for more than 150 Turkish doctors to discuss openly their difficulties in documenting accurately evidence of human rights abuses. The symposium has helped to strengthen physicians' resolve to oppose torture and other human rights abuses and to uphold principles of medical ethics.

Over the past fifteen years, systematic human rights violations in Turkey have been documented by numerous independent human rights organizations. The Turkish Government's ability to sustain its campaign of abuses against its citizens in spite of such exposure not only stems from guarantees of impunity though "anti-terror" legislation, but through an elaborate and pernicious process of using the medical profession to conceal state sponsored abuses.

The coercion of health professionals I have described serves to exculpate the state's involvement in torture and ultimately to legitimize the widespread practice of torture and other abuses in Turkey. Such coercion of Turkish health professionals in becoming silent witnesses to torture and other abuse enables the Turkish government to deny culpability for its crimes and for people to lose their sense of moral outrage.

The Turkish government's failure to account for systematic human rights abuses by its police and security forces and take action against those responsible amounts to a policy of condoning grave human rights violations, including murder, torture and violations of medical neutrality throughout Turkey. Based on these considerations, we believe that United States should do all that is possible to hold the Turkish government accountable for its neglect of fundamental human rights.

Physicians for Human Rights (PHR) is an organization of physicians and other health professionals that brings the knowledge and skills of the medical sciences to the investigation and prevention of violations of international human rights and humanitarian law. PHR works to apply the special skills of health professionals to stop torture, "disappearances" and political killings by governments and opposition groups; to report on conditions and protection of detainees in prisons and refugee camps; to investigate the physical and psychological consequences of violations of humanitarian law and medical ethics in internal and international conflicts; to defend the right of civilians and combatants to receive medical care during times of war; to protect health professionals who are victims of human rights abuses; and to prevent medical complicity in torture and other human rights abuses.

Since 1986, PHR has sent over 40 fact-finding missions to over 25 countries. PHR bases its actions on the Universal Declaration of Human Rights and other international human rights and humanitarian agreements. The organization adheres to a policy of strict impartiality and is concerned with medical consequences of human rights abuses regardless of the ideology of the offending government or group.

AMERICAN KURDISH INFORMATION NETWORK
AKIN

The Turkish Ship Is Sinking
The U.S. Government Is Guiding It To The Rocks

Statement by the American Kurdish Information Network before the Commission on Security and Cooperation in Europe hearing on "Turkey - U.S. Relations: Potential and Peril"

Tuesday, September 19, 1995
Washington, DC

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The Turkish Ship Is Sinking
The U.S. Government Is Guiding It To The Rocks

We live in an age that has witnessed some remarkable changes. Films such as "The Day After", which chilled us with the thought that we may be the last generation, can now be forgotten. Apocalyptic books such as *Endgame* may for now, we hope, gather some dust. But the new times, though promising, have brought new challenges in their wake. The emerging scenes, the clearer they become, now seem like vistas from "The Killing Fields". The beast in us has a way of prevailing over our nascent humanity to inflict untold misery and sufferings upon the human family. Reported and under-reported tragedies in places like Rwanda, Bosnia, Kurdistan, and East Timor clearly show how fragile is the bond of our civility. In some cases greed, in others racism prevents us from making this world a better place for all.

One realm which has remained impervious to the vast changes that have taken us by surprise is that of Turkish/American relations. Ankara has insisted that the special relationship it enjoyed throughout the Cold War remain intact, arguing that nothing has changed to its north, and that even greater menaces now lie to its east (i.e., Iran) and southeast (i.e., the Kurds). The United States government seems to have accepted this Turkish logic, or as some cynics would put it, the Foggy Bottom has not yet awakened to the fact that the Soviet threat is gone.

In our view, this unchanged policy endangers Turkey's stability and imperils American interests. The problem is the Kurdish question, -- every night it is the number one issue on Turkish television news, -- which has demanded a civil solution but has thus far only received a military response. Such an approach is nothing new in Turkey. What is new this time, however, is that Turkey faces an organized resistance from a popular mass movement that has passed the threshold of unbecoming by means of force.

A cursory look at the origins of this problem will reveal some rather disturbing facts. First divided between the Ottomans and the Persians in 1514, the Kurds lived quietly on their mountains, oblivious to the world until 1923. To be sure, they were the subjects of the far-flung Ottoman and Persian Empires and suffered their share of the indignities that are the lot of captive peoples. But, most important for the subject of this paper, their land, Kurdistan, and their language, Kurdish, were respected and tolerated in a relatively free environment which preserved them to our own time.

The Turkish Republic, which rose from the ashes of the Ottoman Empire, was conceived on a promise of full rights for the Kurds. Mustafa Kemal, the Turkish general who courted the Kurds to join with the Turks to liberate the remnants of the empire, said nothing at the time of the unitary state that he later advocated and to this day his successors have defended. He knew of the promises of self-determination made to the Kurds at the Treaty of Sevres in 1920, and yet he succeeded in convincing them that an Islamic comity of two peoples, that of the Turks and those of the Kurds, had a better prospect than the Kurds' allegiance to the "infidels" of the West.

The Turkish and Kurdish war of liberating what is today called Turkey lasted some four years. At the peace talks in Lausanne in 1923, Mustafa Kemal sought legitimacy for his gains. In a symbolic act which his successors are emulating with the same adroitness, he sent a Kurdish envoy, Ismet Inonu, to the negotiating table. Mr. Inonu pleaded with his British interlocutor that the Kurds wanted no special rights and were happy to be part of the Turkish Republic. To assure the British that this indeed was the case, Ankara even stooped to the time-honored ploy of having reputable Kurdish representatives send telegraphic messages to the British at the peace conference stating that the Kurds were in favor of a "union" with the Turks.

The Lausanne Treaty of June 24, 1923 officially sanctioned the division of the Kurdish lands among five states. Turkey proved to be the largest beneficiary holding onto 43% of the land. Iran, Iraq, Syria, and the Soviet

Union got 31%, 18%, 6%, and 2% respectively.[1] It is difficult to establish the current Kurdish population figures in these states, since the governments that have the Kurds in their custody choose to ignore the question or offer figures that run contrary to demographic trends. Unofficial figures vary from a low of 25 million to higher estimates of some 40 million Kurds. Of these, some 15 to 20 million live in Turkey.

The life of the Kurds after Lausanne made the theocracy of the Ottomans seem enviable by comparison. Soon after the agreement, Ataturk (meaning "Father of the Turks", the name now given to Mustafa Kemal) abandoned all of his pre-war promises to the Kurds and conceived of Turkey as being a unitary state comprised of one, and only one, people: the Turks. His rallying cry "Turkey belongs to the Turks!" became the creed which to this day forms the basis for Turkish national consciousness.[2] Even today, the Turkish Constitution reads: "The Turkish state, its territory and people, is one and indivisible. The language is Turkish. These facts cannot be changed, nor can changes be proposed."[3]

What the "facts" of the Turkish Constitution overlooked were the rights of the Kurds, the Armenians, the Greeks, and other natives of Anatolia who now were told to call themselves Turks because Ataturk had so decreed. The Greeks, as late as the 1950s, were systematically uprooted, sometimes by force and sometimes by provocative acts which compelled them to flee and leave everything that they had behind.[4] The Armenians were silenced by the massacre of 1915, prompting Hitler two decades later to argue that what the Turks had done with impunity, the Germans could emulate against the Jews. The Kurds were a different matter. To begin with, there were more of them, and they were Muslims like the Turks. Something more than brute force was required to undo them.

Meticulous plans were made for this act of social engineering. The solution was sought in forced assimilation. In a generation or two, the Turkish social engineers wanted to erase all the references to the Kurds. Beginning in 1924, the Kurdish language was banned. Then came the laws which enabled the authorities to give Turkish names to everything that had a Kurdish name. All at once, Kurdish cities, town, villages, and hamlets acquired new Turkish names. For example, the maps that were printed when the Ottomans ruled the area have references to the Kurds and their land, Kurdistan; modern Turkish maps, leaving aside the impartiality of science, refer to the entire region as Turkey.

As can be expected, the Kurds did not take lightly to the death warrant that was issued in their name. They rose to undo the legislation that was condemning them to the dustbin of history. Long before United Nations Resolution 3103[5] sanctioned the use of force in liberation struggles, the Kurds fought on several occasions (most notably in 1925, 1930, and 1937/38) to gain control over their destiny.

Up until the 1980s, however, all their uprisings were crushed. Known Kurdish leaders were hanged. Their relatives and followers were deported. As if the memory of the defeats were not enough, the Kurdish landscape, especially visible sites such as high mountain slopes, were selected for onerous expressions such as "How happy I am to be a Turk!", which were spelled out with stones in large fonts. If there ever was a psychotherapist for nations, he or she would treat the Turkish case as one that suffers from a

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[1] "Kurds and Kurdistan: Facts and Figures", *The International Journal of Kurdish Studies*, Volume 8, Numbers 1&2 1995, p.160.

[2] The second best selling Turkish daily, *Hürriyet*, now uses this expression, *"Türkiye Türklerindir"*, as its motto.

[3] Türkiye Cumhuriyeti Anayasası 1995, Article 3.

[4] Charles William Maynes, "Bye-Bye Bosnia", *The Washington Post*, Sunday, August 6, 1995, p.C1.

[5] This 1973 resolution, which was passed by a vote of 83 in favor, 13 opposed, and 19 abstentions, read as follows: "The struggle of a people under colonial or foreign rule or under a racist regime to gain their rights to self-determination and independence is legitimate and in full agreement with the Principles of the Rights of Peoples."

severe inferiority complex. In no other part of the world has one witnessed such blatant self-adulation or environmental degradation over the lands of subject peoples.

If the purpose of these Turkish maxims all over the Kurdish landscape were to instill love and respect for the Turks, the opposite has happened. The Kurds have resisted and the Turks have enforced the racist laws that were instituted by Ataturk and his cronies. Today, the struggle has taken the form of a massive resistance led by the armed forces of the ARGK, the People's Liberation Army of Kurdistan, the military wing of the PKK. This struggle has become an all-out war on the part of the Kurds to prevail over death, while the Turkish military does all it can to keep the fascist legacy of Ataturk intact.

There are a number of published reports which document the cost of this Kurdish struggle for freedom and liberty. One of the most compelling is a small book entitled *File of Torture: Deaths in Detention Places or Prisons*, published by the Human Rights Foundation of Turkey in 1994. It lists the violent deaths of 420 political prisoners in custody since 1980. And, as the fighting intensifies, other reports keep surfacing. Derya Sazak, in the July 25th edition of the Turkish daily *Milliyet*, quotes the governor of State of Emergency Region, stating that 2,665 Kurdish villages have been destroyed in the conflict. That is an official Turkish government statistic. The uprooted villagers, their numbers now in the millions, have moved to the cities where they live in shantytowns, without jobs; they are vexing with anger and restlessness against the system.

The Kurdish liberation struggle has no friends at Foggy Bottom. Washington is not even a disinterested party in this conflict. The U.S. administration has literally given a blank check to Turkey. Jennifer Washburn, a research associate at the World Policy Institute in New York, in a recent commentary in the *St. Louis Post-Dispatch*, had this to say about Turkish/U.S. relations: "Since the Turkish crackdown on the Kurdistan Workers Party began in 1984, the United States has contributed to the conflict by arming Turkey to the hilt, exporting more than $6.3 billion worth of weapons to an undemocratic, military-led government engaged in a ruthless campaign of terror against its Kurdish population. From 1987-91, Turkey bought 76% of its weapons from the United States. From 1990-93, when the counterinsurgency war intensified and human rights abuses worsened, that number increased to 80%."[6]

There is a saying in Turkish that might shed some light on the nature of Turkey/U.S. relations. It goes something like this: "Give a man a hammer and he will think all problems are nails." Turkey has been supplied with plenty of hammers by the United States government, and it is the Kurds who are being ruthlessly pounded like nails. This obviously has engendered anti-American feelings among some Kurds. They assert, and the available data supports them, that the Turkish government could not continue its dirty war against the Kurds without massive amounts of aid and assistance from Washington.

The continuation of present policy does not serve the interests of this country for a number of reasons. Sooner rather than later, it will backfire. Notwithstanding Turkish claims, it is not just one group of Kurds but rather the Kurdish people as a whole who are targeted by American-made weapons. If the United States government wishes to avoid a debacle in Ankara, it needs to seriously rethink the ties that have blinded it to Turkey's war aims. Lest it not be clear, a few Turkish generals who have appointed themselves to the National Security Council in Ankara are pushing the country to the brink of an abyss. It will not serve the United States government well to associate with such brutes.

The following are our recommendations for putting Turkey/U.S. relations on a more healthy course:

1. **The U.S. government should demand that Turkey make fundamental**

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[6] Jennifer Washburh, "Turkey Uses U.S. Arms To Attack Kurds", *St. Louis Post-Dispatch*, Thursday, September 7, 1995, p.7B.

changes to its Constitution and grant democratic and political rights to the Kurds. Turkey says it wants the fighting to stop, but it refuses to deal with Kurdish demands for a civil solution to the conflict. This is like trying to solve an equation without dealing with one of the given variables. In mathematics, this is impossible; in politics, it is no different. The Turkish government would do itself a favor by distancing itself from the fascist ideology of Ataturk and accepting the values of democracy and humanity, and the laws of science, and thereby recognize the existence of the Kurds by reforming the republic's anachronistic Constitution. The United States government would be a beneficiary of such a step as peace and stability would then revisit Turkey.

2. **The U.S. government should advocate that Turkey address its Kurdish problem by means of democratic policy and reconciliation, rather than taking the more dangerous route of courting Islamic fundamentalism.** Turkey is keeping the Islamic card up its sleeve, so to speak, so as to blackmail support from the West. In the words of a recent Foreign Relations Committee delegation which just returned from Turkey: "Despite claims that it regards fundamentalism as a threat to its secular heritage, the government of Turkey appears to be encouraging and even sponsoring Islamic activities in an attempt to bind the country together and defuse separatist sentiment."[7] But the Islamic movement in Turkey has a different compass than the government officials would like it to follow, and Turkey's present policy "could backfire and inadvertently provide a foothold for Islamic extremists."[8] In 1994, voters in two of Turkey's largest cities, Istanbul and Ankara, elected Islamic mayors from the fundamentalist Refah Party who oppose the separation of religion from the state. Turkey is edging dangerously close to Iranian-style Islamic fundamentalism. It is not in the interests of the United States government to see an Islamic theocracy come to power in Ankara. Rather than trying to subvert the rising Kurdish movement by fomenting religious strife (remember the massacre in Sivas in 1993 and the bloody scenes in Istanbul in March of this year), Turkey should take a more sound and reasoned approach to the issue. Only this can guarantee a place for Turkey among the nations of the West, thus preserving a vital ally of American foreign policy in the troubled region of the Middle East.

3. **The U.S. government should encourage negotiations between the Turkish government and Kurdish representatives. One step in this direction would be to recognize the right of the Kurdish Parliament in Exile.** The Kurds of Turkey are a fact of life. When their duly elected representatives to the Turkish Parliament were jailed in December 1994, Kurds in Europe responded by forming a Parliament in Exile in April of this year. This body has stated that a political solution to the Kurdish question is the preferred option for a durable settlement. It would be in the interest of the United States government to recognize the Kurdish Parliament in Exile to serve as a starting point for negotiations with the Turkish government. Such a gesture would give much needed encouragement to those Kurds who have tried again and again to seek a peaceful and democratic solution to this question, but who have met with nothing but violence and repression at the hands of the Turkish state.

The Kurds of Turkey, as the philosophers would put it, have freed themselves in their thoughts. No amount of force will cause them to abandon their natural right to a life with dignity. But even the PKK, the most militant of all Kurdish parties, has time and again expressed its willingness to forgo its stated goal of creating an independent Kurdistan and to entrust the complexities of the situation to the negotiating table, hinting that a federal model could be the basis for a solution. Abdullah Ocalan, the leader of PKK, on March 17, 1993 and again on May 25, 1995, has gone on record for wanting

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[7] *Foreign Relations Committee Staff Report on Turkey*, September 15, 1995.
[8] ibid.

to do his share to bring an end to the this enduring conflict. But a deafening silence has prevailed in Ankara.

Historians have noted that it is the mark of statesmanship when the policy makers have foreseen problems and charted courses that have cleared the ship of state from rocky paths. The present Turkish government is refusing to deal with the problem at hand, because the Turkish military is not letting them do so. The top brass simply has too many hammers to allow the tedious but essential work of the politicians to take over. With each passing day, more and more body bags are flown back to western Turkey as more and more Turkish soldiers are sent to the eastern provinces to fight in a war which has lasted for far too long.

It is an irony of history that the head of the present U.S. administration, President Bill Clinton, refused to serve in the armed forces because he opposed a war which he felt was unjust; now, two decades later, he is fueling a conflict which nearly everyone would agree is inhumane. President Clinton on numerous occasions has expressed his "understanding" for Turkey's armed forays against the Kurds. How can a man who felt the Vietnam War was immoral now "understand" the need to wipe out thousands of Kurdish villages and condemn millions of Kurdish civilians to live their lives as refugees? Twenty years ago, the adventure in Vietnam was wrong; student Bill Clinton was right to protest. Today, the war in Kurdistan is just as wrong; President Bill Clinton, however, is pursuing a policy which is wholly misguided from the standpoint of human rights. We trust that Bill Clinton will right this wrong soon, for the sake of humanity.

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